



# OMBUDSPLAN 2024





# OMBUDSPLAN 2024



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# OMBUDSPLAN 2024







*The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, taking the oath of office from the President of Malta, H.E. George Vella, in the presence of the Prime Minister, the Hon. Robert Abela; the Speaker of the House of Representatives, the Hon. Anglu Farrugia; and the Leader of the Opposition, the Hon. Bernard Grech - 8th March 2023*



## THE LAW

For the purposes of this document, reference is made to Section 10(4) of the Ombudsman Act 1995 (Chapter 385 of the Laws of Malta) which states that the finance required for the Ombudsman's salary and allowances and for the resources of his Office shall not exceed a maximum amount indicated in an Ombudsplan approved by the House of Representatives and shall be a charge on the Consolidated Fund without any further appropriation, provided that the Ombudsman shall present to the House by the 15th day of September of each year an Ombudsplan which will indicate the ensuing year's activities. The contents of this document are in accordance with the requirements of this provision.

## OBJECTIVE

The ultimate objective of the Office of the Ombudsman should not simply be the investigation of complaints in terms of Section 13 of Chapter 385, but to translate into facts a public service culture distinguished by fairness and accountability through democratic control over public malpractice and misplaced bureaucracy.



*The Parliamentary Ombudsman, during a meeting with the Auditor General, Mr Charles Deguara and the Deputy Auditor General Mr Noel Camilleri. Also present Mr Paul Borg, Director General, Office of the Ombudsman - 21 April 2023*



*The Parliamentary Ombudsman, during a meeting with the Principal Permanent Secretary, Mr Tony Sultana, discusses the importance of promoting good public administration and ensuring enhanced coordination and cooperation between the public administration and the Ombudsman's Office - 14 April 2023*

## THE OFFICE AND THE PUBLIC

In July 2023, the Office commissioned a survey to have a better understanding of how the public considers the institution. A previous survey on similar lines was held in 2015. The survey of 2023 has provided the following indicators:

### AWARENESS

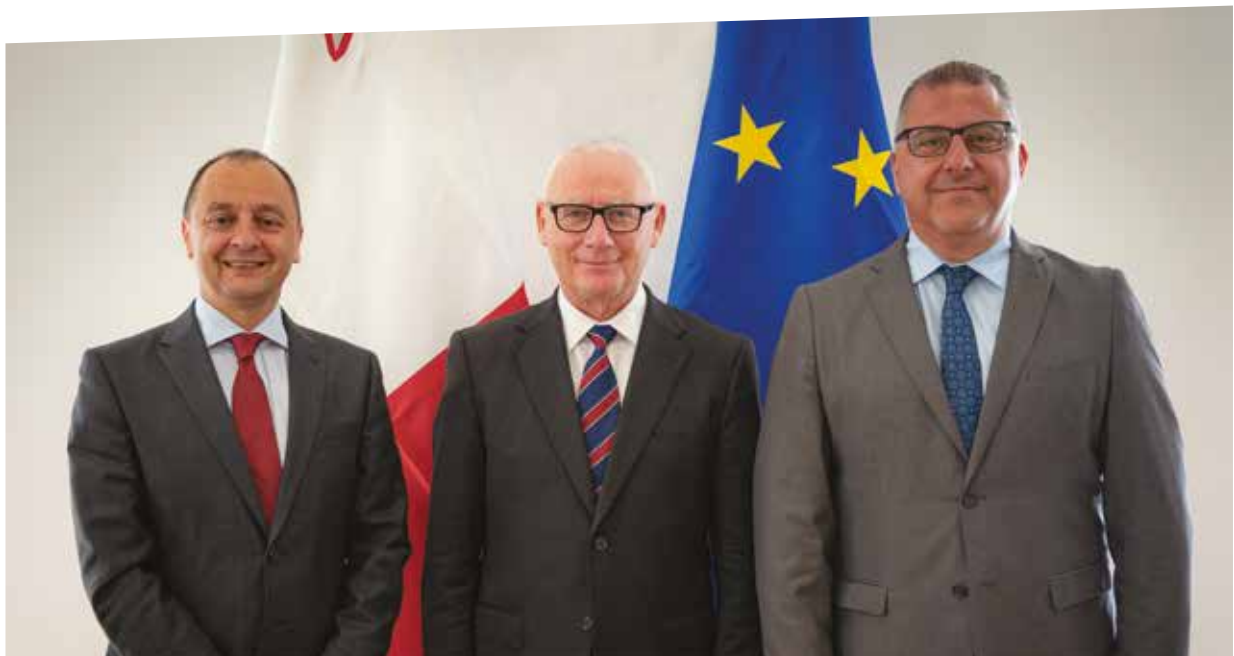
The study has shown that the overall awareness of persons who can seek redress from the Office has increased significantly from 70% in 2015 to 90.87% today. However, it is noteworthy that 21% of people in the 25-34 age bracket are not aware that there is an Office of the Ombudsman.

## CREDIBILITY

The survey has shown a relatively low drop in credibility ratings from the 4.05 registered in 2015 to 3.41 of today. Nonetheless the credibility rating of the Office of the Ombudsman is distinctly better when compared to other institutions: the Church (2.95), Media (2.75), Parliament (2.47), Political Leaders (2.20), and Political Parties (2.13).

## THE MEDIA

Striking is the role of the media as far as public awareness of the Office is concerned. It results that 59% of people interviewed declared that they came to know about the Office through the media, a notable increase of 9% on the 50% registered in 2015.



*The Parliamentary Ombudsman during a constructive meeting with the Government Whip and Parliamentary Secretary for Social Dialogue, the Hon. Andy Ellul, and the Opposition Whip, the Hon. Robert Cutajar - 30 May 2023*



*The Parliamentary Ombudsman delivering a lecture on the Ombudsman Remedy in Malta, organised by the Chamber of Advocates in collaboration with the Office of the Ombudsman, the University of Malta, and the Malta Law Academy - 27 April 2023*

## THE PERSON

An understanding that Parliament appoints the Ombudsman has increased significantly from 33% of 2015 to 54.7% of today. When asked specifically, the persons interviewed identified the Ombudsman in the person of the incumbent: the rate of 77% registered in 2015 went up to 88% of today. Nonetheless a very clear 73% of all persons interviewed still do not know who the present Ombudsman is.

## KNOWLEDGE

Although marginally, more persons today know that there is an Ombudsman in the sense that in 2023 only 7.91% of persons interviewed stated that they do not know that there is an Ombudsman, compared to the 10% noted in 2015.

## REMIT

Notable is a lack of knowledge about the sectors that fall within the remit of the Ombudsman. In 2023 it has resulted that 48.2% of the persons interviewed think that the Ombudsman investigates both the public and the private sectors. A minority of 45.4% correctly identified the jurisdiction of the Ombudsman as specific to the public sector.

## COMPLAINTS

In 2023 less persons registered complaints with the Office: 23.2% is the figure at present, compared to 34% in 2015. The difficulty mentioned by potential complainants was the apparent complexity of the complaint process, which appears to have kept 29% of potential persons seeking redress away from the Office. The reaction of those persons who actually lodged complaints is not safe enough to determine a solid factual outcome. However it has resulted that taking a complaint to the Ombudsman has declined significantly from 84% in 2015 to a score of 59.8% in 2023.





*The Parliamentary Ombudsman during a courtesy visit to the Speaker of the House of Representatives, Anġlu Farrugia - 2 May 2023*



## BELIEF

The results of the survey of 2023 are important data that will assist the Office of the Ombudsman to action the way forward. The 25-34 age group needs to feel that its concerns are also those of the Office. More information about the Office should be promoted through social media channels that have proven to be effective. People should continue to be advised and convinced that when acts or omissions of Government – as defined in Chapter 385 of the Laws of Malta - are investigated, the Office is independent from Government and enjoys the protection of the Constitution. We need to keep the public informed that remarkably high in number and in quality have been the cases where people's claims against the public administration have been successfully processed through careful investigation and effective recommendations.

The Office is not only the Ombudsman but also the Commissioners and the people who are employed to give service and help the institution to perform the functions that are assigned by Chapter 385 of the Laws of Malta. In the current year and for the four years to come, it shall be an obligation on our part as an Office of Parliament to address the concerns of all persons who seek redress and, if entitled, to give them fair remedies, through motivated recommendations addressed to the public administration.

In order to do so, the Office must be brave, objective, factual, upright, and with no agenda other than what is fair, because when a person who has a right is convinced that the credentials of the Office are proper and credible, then that person will choose to bring forward his grievances to the Office rather than go elsewhere.





## THE PUBLIC ADMINISTRATION

There is a public demand that Government should be fair and accountable. Every effort must be made by Government to ensure that all the institutions that come within the jurisdiction of the Ombudsman do act with everyone as they are expected to do in a democratic environment, and live up consistently with what is expected of them day by day.

On a matter of principle, the public administration should not be seen in an adversarial role to the Office of the Ombudsman. In general the public administration does cooperate with the investigations of the Office. Various are the instances where compromise is obtained at investigation stage. Carefully conducted investigations by the Office can save public embarrassment and are a major contributor to the correction of mistakes. A good number of

grievances are not only accepted but are also implemented in a reasonable time because the recommendations of the Office result from concrete instances of proven malpractice.

## THE OFFICE AS AN OVERSEER

The Office of the Ombudsman is not a Tribunal or a Court of Justice. In fact, after it investigates acts of Government, the institution does not give judgement but only makes recommendations. The work of the Ombudsman is complementary to that of the courts. Unlike the courts, the Ombudsman draws on the experience of dealing with individual complaints to identify and report on systemic problems within public administration. Such a *modus operandi* is not a defect inherent in our legal system but is a matter common to all Ombudsman bodies abroad. Fairness, illegality, wrongness and



*The Parliamentary Ombudsman meeting the President of the Local Councils' Association Malta (LCA), Mr. Mario Fava, to discuss key issues affecting local councils - 31 May 2023*

improper discrimination are part and parcel of the democratic process. Despite not having executive authority, the recommendations of the Ombudsman and the Commissioners are - generally and in substance - implemented because they seek to address and resolve claims by persons of all sorts that arise from issues of everyday life that are submitted essentially on grounds of unfairness and discrimination.

Over the years the institution has taken upon itself the role to oversee the public authorities in the manner how they conduct their operations – including the exercise of their discretion that is permitted by law. If the recommendations of the Ombudsman and the Commissioners prove to be the result of a meticulous analysis of fact and of law, there should be no reason, other than what is unreasonable, why they should not be implemented by the Government – as defined by Chapter 385 of the Laws of Malta.

The Office will continue to strive in its everyday efforts to raise its profile not simply by rendering itself more open and receptive in the handling of grievances, but also by being proactive where the public administration is concerned through a constructive approach to promote effective governance.

The work of the Office should impact positively and significantly on the mindset of public servants. There is indeed witness of a general appreciation of the right to fair procedure, the value of learning from complaints and the need for clear communication and explanations for decisions. The Office has already identified and helped to address weaknesses in the conduct of Government methods and operations. Government should not keep back from implementing recommendations that could over time save the State not only unnecessary embarrassment but also disbursements and/or compensation to persons in particular the most vulnerable or those without a voice.

## MOVERS OF CHANGE

The Ombudsman and the Commissioners can be movers of change. Their recommendations can tangibly influence Government policy and practices, and propose changes to legislation. People approach the Office of the Ombudsman many a time because they are in need of assistance of some kind, and do not know where or to who to turn to. The Office is ready to be a good listener. In providing assistance, the Office fulfills a significant function

not only to the public but to Government agencies as well. Any action which improves the relationship between public servants, agencies and members of the community has a significant, albeit unquantifiable, impact on the effectiveness of government operations. A person who approaches Government with a complaint with a positive state of mind will be easier for Government to deal with and is more likely to be able to explain his or her needs than a person who has become irritated about the likely response of Government.



*The Ombudsman during a courtesy call with the President of Malta, H.E. George Vella - 17 July 2023*



*The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, during a meeting with the European Ombudsman, Emily O'Reilly, discussing further collaboration within the European Network of Ombudsmen with a focus on good administration - 10 May 2023*

## THE RIGHT TO GOOD ADMINISTRATION

Within the framework and for the purposes of relations of the person with the institutions of the European Union, the right to good administration is embodied in Art 41 of the Charter of Fundamental Rights, and by virtue of the Lisbon Treaty, the Charter is part of the laws of this country.

We believe that the time is mature enough for a wide-ranging discussion and eventual consideration of making the right to good administration also a right that can be availed of for domestic law purposes and enshrined in the Constitution of Malta. There are diverse ways how this democratic target can be debated and ultimately achieved. The way ahead is to debate the matter seriously and on substance possibly to arrive at a conclusion within a reasonable time in the interest of the country.

Principles of good administrative behaviour in the form of legally binding rules are already embodied in the *corpus juris* of this country. In fact the Administrative Justice Act (Act V of 2007) lists the principles that administrative tribunals have to respect and apply in their relations with the public. The Freedom of Information Act (Act XVI of 2008) establishes a right to information held by the public authorities to promote added transparency and accountability. The Public Administration Act (Act I of 2000) affirms courteous, expeditious and impartial public service delivery as leading values of public administration and as an instrument for the common good.

As a nation we have to move ahead to ensure that governance and accountability are safeguarded on all counts for the benefit of all. This should not simply be a *desiderata* but can be achieved by placing the principle well above day to day party political debate, by promoting a healthy, down to earth and meaningful debate that places the person at the centre of democratic activity.

## PROTOCOL NO. 12 OF THE EUROPEAN CONVENTION OF HUMAN RIGHTS (“ECHR”)

Section 22(1)(b) of Chapter 385 directs the Ombudsman, after making any investigation regulated by the Act, to state that, in his opinion, the decision, recommendation, act or omission, which was the subject-matter of the investigation, was unreasonable, unjust, oppressive, or improperly discriminatory. Once that particular provision gives the Office the right to give an opinion on improperly discriminatory behaviour by the public administration, then the Office has a duty to investigate.

The ECHR endorses the general principle of equality and non-discrimination as fundamental benchmarks of international human rights law. Protocol No. 12 supplements the ECHR, to which Malta is a contracting State, by raising equality to a right in itself. This Protocol was created in order to establish freedom from discrimination as an *ad hoc* fundamental freedom and human right protected by the ECHR. The Protocol reaffirms the principle that all persons are equal before the law and are entitled to equal protection of the law. The Protocol protects persons who are discriminated by a public authority in the exercise of its discretion, and/or by any other act or omission of that public authority in the enjoyment of any right specifically granted to those persons.



*The Grand Chamber of the European Court of Human Rights in Strasbourg*

Following ratification on the 8 December 2015, Protocol No. 12 came into effect in Malta on the 1 April 2016. This notwithstanding, the Protocol was not incorporated in the European Convention Act 1987 (Chapter 319 of the Laws of Malta). That means that while on an international level, Malta is bound by that Protocol, and Contracting States to the ECHR may seek redress against Malta before the Strasbourg Court, should persons who are present or residing in Malta (including Maltese citizens) allege to have suffered discrimination by a public authority in breach of Protocol No. 12 such persons do not have a right to seek redress before the Maltese Courts. Those persons have no other choice but to petition directly to the Strasbourg Court with all the difficulties that said procedure entails. The legal difficulty at present is that if a person resident or present

in Malta wants to enforce Article 14 of the ECHR related to discrimination combined with any other human right and fundamental freedom recognized by the Convention that person can go directly to the competent court in Malta which hears and determines that claim. However the safeguarding of a right protected by Protocol No. 12 cannot be taken for decision before a Maltese Court simply because that protocol was not incorporated into Chapter 319 of the Laws of Malta.

This anomaly is a matter of governance which needs to be addressed and resolved as soon as possible. The Office will do its fair share to encourage the Government to remedy the situation without further delay as it is not enough for Malta to ratify Protocol No. 12 and then preclude the Maltese Courts from hearing and deciding on cases where enforcement of the rights deriving from Protocol No. 12 are sought.



*The Plenary Chamber of the Council of Europe in Strasbourg*



*The Parliamentary Ombudsman during a Q&A Session at the International Institute for Justice and the Rule of Law (IIJ) - 8 August 2023*



*The Ombudsman during a meeting with the Malta Refugee Council - 31 July 2023*

## PRESCRIPTION

The investigations of the Office are separate and distinct from proceedings instituted before any court or tribunal. Investigations can constitute an alternative to the filing of judicial proceedings. The law excludes concurrence of proceedings before the judicial bodies and before the Ombudsman and the Commissioners, in the sense that litigation before a judicial body takes precedence. The effect is that any investigation by the Office is suspended until a case referred to litigation on the same subject matter becomes final and conclusive. When one takes all issues of law into account, one must point out that in the public interest there should be as wide as possible a debate in the country to widen access to the Ombudsman as an alternative to judicial bodies through precisely targeted amendments to our legislation as far as prescription is concerned.

As the law stands at present, actions against the Government for judicial review of administrative action, as regulated by Section 469A of Chapter 12 of the Laws of Malta, lapse after a preemptory period of six months. General civil actions against the Government can also become time-barred in the manner provided in Chapter 16 of the Laws of Malta. What is being proposed in this document is that the six month period which at present is preemptory in nature for the purposes of Section 469A of Chapter 12 should be subject to suspension for the entire period of time that a complaint is filed and investigated by the Ombudsman and the Commissioners in terms of Chapter 385 of the Laws of Malta. Furthermore Section 2122 of Chapter 16 which deals with the causes that

suspend prescription should be extended in the sense prescription of any action against the Government as defined in Chapter 385 should be suspended for the entire period of time that a complaint is filed and investigated by the Ombudsman and the Commissioners.

## APPLICATION OF THE RULE OF LAW

Like judicial or quasi-judicial bodies, the Office helps to uphold the rule of law, but it also plays a role in ensuring better government. There is broad consensus that the Office, through its independence and impartiality, has proven itself to be a significant player in public governance. The Office has widespread public support and is respected. Much more can be done with Government and Parliament to encourage the Office to play a greater role in complementing whatever measures are put in place to meet the current public demand for better governance.

## FUNDING

The mission of the Office is to grow in numbers, substance, relevance and reputation.

The Office is a cornerstone amongst the democratic institutions of this country.

If its work is to grow, including its already strong position on the international scene, so also must its budget proposals be sustained.





The background of the image is a wall covered in light-colored wooden acoustic panels. The panels are arranged in a staggered, grid-like pattern, creating a textured and three-dimensional appearance. The lighting is soft and even, highlighting the natural grain of the wood.

**PERFORMANCE REVIEW**  
**JANUARY - AUGUST 2023**

# PERFORMANCE REVIEW

JANUARY - AUGUST 2023

## Complaints received by the Office of the Ombudsman

For the period covered by the Ombudsplan, this performance review of the Office of the Ombudsman spans from January to the end of August 2023. The review is compared to the same period in the previous year.

Between January and August of this year, the Office of the Ombudsman managed a total of 354 cases. This represents an 18% increase compared to the same timeframe last year. The rise in case volume reverses the downtrend observed in recent years and can largely be attributed to the proactive approach implemented since the appointment of the new Ombudsman on March 8, 2023. This proactive approach has been aimed at increasing public engagement through various outreach initiatives.

The data breakdown reveals how the 354 cases were allocated among the Ombudsman and the specialised Commissioners:

- 198 cases were investigated by the Parliamentary Ombudsman, marking a 60% increase from the previous year.
- The Commissioner for Environment and Planning managed 65 cases, indicating a 10% increase compared to the same period last year.
- The Commissioner for Health handled 59 cases, reflecting a 28% decrease from the comparable period last year.

- Finally, the Commissioner for Education addressed 32 cases, which represents a 6% decline from the previous year.

### Total Incoming Complaints

January - August 2023



### Complaints received



Ombudsman

**198**



Commissioner  
for Environment  
and Planning

**65**



Commissioner  
for Health

**59**



Commissioner  
for Education

**32**

## Finalised complaints by the Office of the Ombudsman

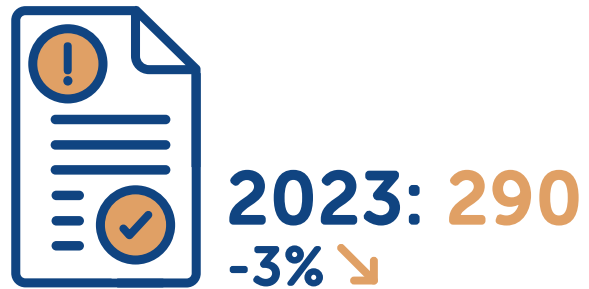
The adjacent data illustrates the number of complaints finalised by the Office of the Ombudsman between January and August 2023. During this period, the Office concluded a total of 298 investigations, marking a 4% decline compared to the same period in the previous year.

The breakdown of these 298 concluded investigations is as follows:

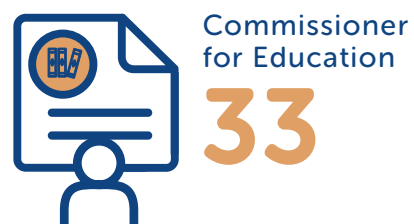
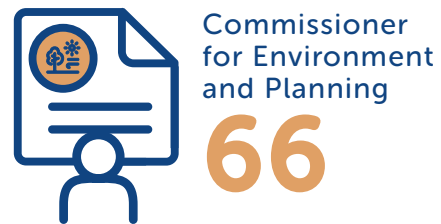
- The Parliamentary Ombudsman completed 139 investigations, maintaining the same level of activity as the previous year.
- The Commissioner for Environment and Planning finalised 66 investigations, representing a noteworthy 22% increase compared to the corresponding period last year.
- The Commissioner for Health wrapped up 60 investigations, which reflects a significant 26% decrease from the comparable period in the previous year.
- Lastly, the Commissioner for Education resolved 33 cases, constituting an 8% decline from the prior year.

### Total Finalised Complaints

January - August 2023



### Finalised complaints



## Pending Case Load from the previous years

The illustration on the right presents data on the number of pending cases carried over from the previous period. In total, at the beginning of 2023, the Office of the Ombudsman had 203 complaints ongoing investigations, representing an 18% decrease compared to the same timeframe last year.

The distribution of these pending cases is as follows:

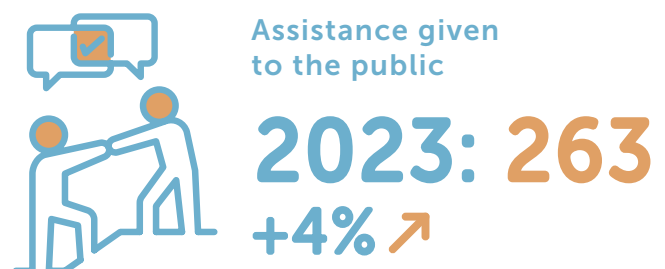
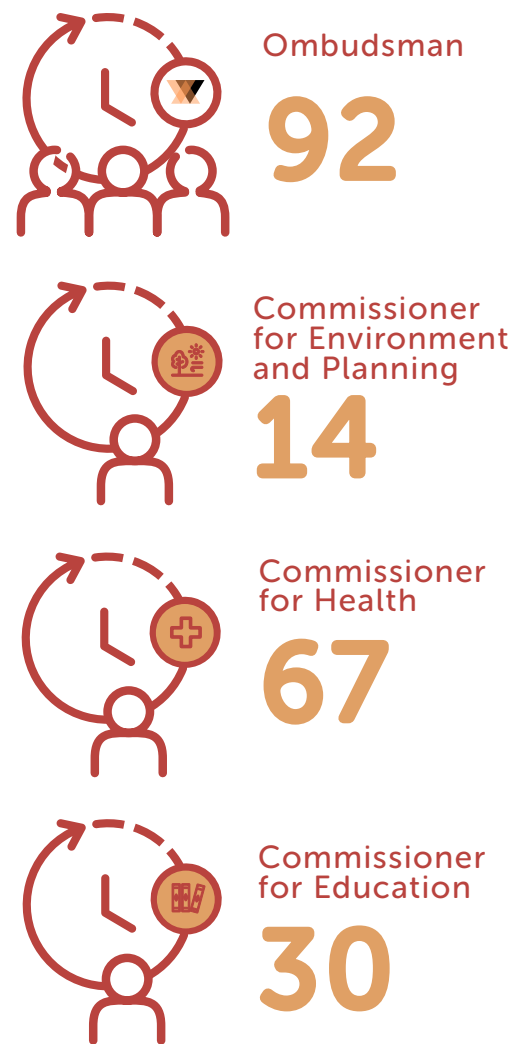
- 92 cases were still under investigation by the Ombudsman, marking a 21% reduction from the same period last year.
- 30 cases were being investigated by the Commissioner for Environment and Planning, indicating a 15% increase in pending cases compared to last year.
- 67 cases were pending with the Commissioner for Health, reflecting a 22% decrease from the corresponding period last year.
- Finally, 14 cases were pending at the Commissioner for Education, constituting a 30% decline in pending cases compared to last year.

### Assistance given to the public

As the initial point of contact, the Office of the Ombudsman often interacts with individuals who don't necessarily proceed to file a formal complaint. In such instances, the Office directs these individuals to alternative entities or refers them to other authorities whose jurisdiction is more relevant to their concerns. From January to August 2023, the Office of the Ombudsman assisted 263 individuals, marking a 4% increase from the same period last year. This growth not only reverses the downward trend observed in previous years but is also attributed to the new outreach approach that the Office has adopted.



### Pending by Department

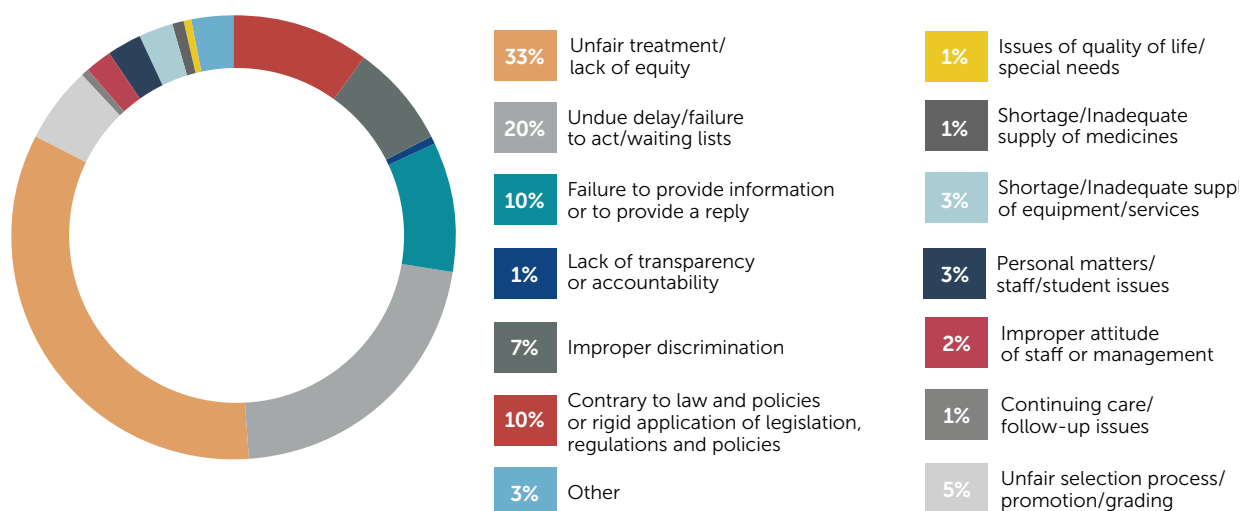


**TABLE 1.1 - COMPLAINT GROUNDS**  
**JANUARY – AUGUST 2023**

Category	Ombudsman	Commissioner for Health	Commissioner for Environment and Planning	Commissioner for Education	Total
Contrary to law and policies or rigid application of legislation, regulations and policies	10	-	25	1	<b>36</b>
Improper discrimination	22	1	1	2	<b>26</b>
Lack of transparency or accountability	2	-	-	-	<b>2</b>
Failure to provide information or to provide a reply	16	11	4	3	<b>34</b>
Undue delay/failure to act/waiting lists	47	4	25	-	<b>76</b>
Unfair treatment/lack of equity	76	18	8	17	<b>119</b>
Unfair selection process/promotion/grading	8	4	1	6	<b>19</b>
Issues of quality of life/special needs	-	1	1	-	<b>2</b>
Improper attitude of staff or management	5	1	-	1	<b>7</b>
Shortage/Inadequate supply of equipment/services	1	8	-	-	<b>9</b>
Personal matters/staff/student issues	5	4	-	-	<b>9</b>
Shortage/Inadequate supply of medicines	-	3	-	-	<b>3</b>
Continuing care/follow-up issues	-	2	-	-	<b>2</b>
Other	6	2	-	2	<b>10</b>
<b>TOTAL</b>	<b>198</b>	<b>59</b>	<b>65</b>	<b>32</b>	<b>354</b>

Table 1.1 and Pie Chart 1.2 offer a comprehensive analysis of complaints categorised by the type of alleged maladministration. The predominant form of grievance received during the year under review was related to unfair treatment or a lack of equity, accounting for 34% of total complaints (119 instances). This was closely followed by complaints alleging undue delays or failures to act, including issues related to waiting lists, which made up 21% of the complaints (76 instances).

## PIE CHART 1.2 - COMPLAINT GROUNDS JANUARY – AUGUST 2023



## CLASSIFICATION OF FINALISED COMPLAINTS

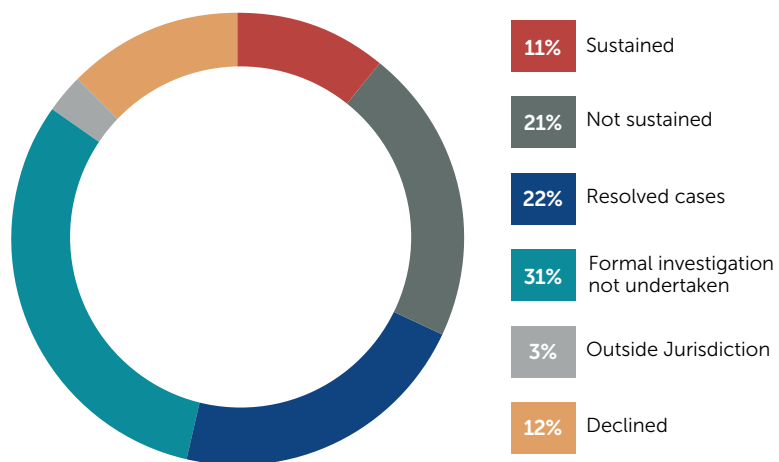
Table 1.3 and Pie Chart 1.4 present the outcomes of cases that were both sustained and closed during the year 2022. Out of the cases investigated by the Office of the Ombudsman, the outcomes were distributed as follows:

- 33 cases were sustained, constituting 11% of the total finalised complaints.
- 63 cases were not sustained, making up 21% of the finalised complaints.
- 64 cases were resolved by offering advice or assistance, eliminating the need for a formal investigation. These accounted for 22% of the finalised complaints.
- In 93 cases, no formal investigation was undertaken, which represents 31% of the total finalised complaints.
- 8 cases were outside the jurisdiction of the Office, and therefore, neither the Ombudsman nor the Commissioners could investigate. These constituted 3% of the total complaints.
- Finally, 37 cases were declined for various reasons outlined in the Ombudsman Act, comprising 12% of the finalised complaints.

**TABLE 1.3 - CLASSIFICATION OF FINALISED COMPLAINTS**  
**JANUARY – AUGUST 2023**

Category	Ombudsman	Commissioner for Health	Commissioner for Environment and Planning	Commissioner for Education	Total
Sustained	8	8	10	7	<b>33</b>
Not sustained	25	15	9	14	<b>63</b>
Resolved cases	19	29	9	7	<b>64</b>
Formal investigation not undertaken	58	7	24	4	<b>93</b>
Outside Jurisdiction	7	-	1	-	<b>8</b>
Declined	22	1	13	1	<b>37</b>
<b>TOTAL</b>	<b>139</b>	<b>60</b>	<b>66</b>	<b>33</b>	<b>298</b>

**PIE CHART 1.4 - CLASSIFICATION OF FINALISED COMPLAINTS**  
**JANUARY – AUGUST 2023**





## TABLE 1.5 - TYPE OF MALADMINISTRATION OF SUSTAINED AND RESOLVED COMPLAINTS

JANUARY – AUGUST 2023

Category	Ombudsman	Commissioner for Health	Commissioner for Environment and Planning	Commissioner for Education	Total
Contrary to law and policies or rigid application of legislation, regulations and policies	3	-	9	1	13
Improper discrimination	1	2	1	-	4
Failure to provide information or to provide a reply	1	9	-	2	12
Undue delay/failure to act/waiting lists	6	3	8	-	17
Unfair treatment/lack of equity	11	6	1	8	26
Unfair selection process/promotion/grading	3	2	-	2	7
Improper attitude of staff or management	-	2	-	-	2
Shortage/Inadequate supply of equipment/services	-	2	-	-	2
Personal matters/staff/student issues	1	4	-	-	5
Shortage/Inadequate supply of medicines	-	3	-	-	3
Continuing care/follow-up issues	-	3	-	-	3
Other	1	1	-	1	3
<b>TOTAL</b>	<b>27</b>	<b>37</b>	<b>19</b>	<b>14</b>	<b>97</b>

Table 1.5 delineates the types of maladministration found in complaints that were either sustained (33 cases) or resolved (64 cases) by the Ombudsman and the Commissioners.

Among these complaints, the most prevalent form of maladministration was unfair treatment or lack of equity, accounting for 27% of the total sustained and justified complaints. The second most common issue raised pertained to undue delays, failures to act, or waiting list concerns, which made up 18% of these complaints.

## CONCLUSION

The performance review of the Office of the Ombudsman for January to August 2023 reflects a significant shift in both operational dynamics and public engagement. With a total of 354 complaints received during this period, there was an 18% uptick in case volume compared to the same timeframe in the previous year. This increase is noteworthy, as it reverses a declining trend and underscores the efficacy of the new proactive approach introduced under the leadership of the new Ombudsman, appointed on March 8, 2023.

While the Office of the Ombudsman concluded fewer investigations this year, the Office has made strides in expediting pending cases, as evidenced by an 18% reduction in ongoing investigations.

Assistance to the public has also grown by 4%, attributable to the new outreach initiatives. This is encouraging as it reflects the Office's broader impact beyond formal complaints, extending to guiding and advising the public.

The types of maladministration reported have remained consistent, with unfair treatment or lack of equity being the most frequent complaint. The data provides invaluable insights into the areas requiring further attention and systemic improvements.

In summary, this performance review underscores the importance of proactive public engagement and timely case management in upholding the core values of justice, fairness, and accountability.



A photograph of a busy city street. In the foreground, a man in a dark suit jacket is seen from the back, walking towards a crowd of people. The crowd includes a man in a bright orange jacket, a man in a blue jacket and cap, and a woman in a brown coat. In the background, there is a large, ornate building with a red dome and classical architectural features. The sky is clear and blue.

**AN INSTITUTION CLOSER  
TO THE PEOPLE**  
**COMMUNICATIONS  
AND RESEARCH OFFICE**

## AN INSTITUTION CLOSER TO THE PEOPLE

Following the appointment of Judge Emeritus Joseph Zammit McKeon as the new Ombudsman on the 8th of March 2023, the Office of the Ombudsman embarked on a communications and outreach strategy aimed at raising the profile of the Office, reaching different areas of society and bridging the gap between the institution and the people.

This approach will continue to focus on informing, educating, and engaging stakeholders, the general public, and the public administration while strengthening the Ombudsman's brand and reputation as a trusted guardian of peoples' rights.

Our outreach initiatives will promote visibility and engagement with the public administration, civil society organisations, and members of the public.

## TAKING STOCK

The starting point of this new approach was to take stock of the situation by evaluating public awareness and level of trust in the Office of the Ombudsman and measuring the quality of the service provided to those who have used the services of the Office of the Ombudsman.

To achieve this, the Office of the Ombudsman engaged an independent firm to conduct two market research exercises to obtain information from different audiences on several issues relating to the institution of the Ombudsman. The research aimed to achieve the following objectives:

- i. To determine the current knowledge, understanding, and awareness of the Office of the Ombudsman's existence, remit, role, functions, and activities among the general public.



*The Parliamentary Ombudsman during a meeting with The Malta Chamber of Commerce - 13 April 2023*

- ii. To investigate the current level and depth of credibility and confidence among the general public, especially compared to other institutions and organisations.
- iii. To evaluate the overall level of customer (users) satisfaction with the Office of the Ombudsman's approach, handling, and resolution of various complaints brought to its attention, including grievances that are wholly or partly sustained and complaints that are rejected or turned down by the Ombudsman. This survey aims to improve the service we offer continuously, and it is vital that we listen to the people we are here to help.
- iv. To assess whether the public perceives room for improvement in the Ombudsman Office's complaint-handling process and to examine people's attitudes towards various aspects of service provision.

The first part of the research, with the general public, was completed, and the findings will enable the Office of the Ombudsman to build its communication initiatives based on the results mentioned in the first part of this document.

The following are some of the action points which will be dealt with during the coming year:

**Increase awareness:** Launch multimedia campaigns on TV, radio, social media, and newspapers to increase awareness about the Ombudsman's role and services, particularly targeting the 25-34 age group with more information about the Ombudsman utilising social media channels.

**Explain functions and jurisdiction:** Keep reminding and explaining the role and the jurisdiction of the Ombudsman, emphasising its autonomy and independence from government and that the services are free of charge and not complex.

**Share success stories:** Increase credibility by highlighting successful cases where the Ombudsman's intervention made a difference.

**Information campaign:** Conduct a comprehensive information campaign about the Office of the Ombudsman. This campaign should explain clearly when and why individuals should resort to the Office of the Ombudsman. The campaign can include details about the jurisdiction, types of issues addressed, and the process for complaining. This campaign can be customised to reach different demographics effectively.

The second part of the research, with the persons who used the services offered by the Office of the Ombudsman, is being finalised. The office will assess the results and act on the findings.

## INCREASE OUTREACH INITIATIVES

The Ombudsman's Office recognises the importance of reaching out to key stakeholders, including government officials, civil society organisations, and the public, in promoting the role and mandate of the Office again. The following initiatives are being and will continue to be implemented:

- i. Conduct information meetings with the public to raise awareness about the role of the Ombudsman and the right to good public administration.



*The Ombudsman during a meeting with the Malta Refugee Council - 31 July 2023*

- ii. Organize educational workshops for local NGOs, government agencies, and with public officials to enhance their understanding of the Ombudsman's role and encourage them to promote good administrative practices.
- iii. Collaborate with educational institutions to develop initiatives that raise awareness about the Ombudsman, promoting civic education and the right to good public administration, targeting students and the wider community.

Reach out to vulnerable and minority groups in society, explaining their rights and assisting with complaints to ensure that their needs and concerns are heard and addressed in the work of the Office of the Ombudsman. These initiatives are necessary to enhance the visibility and impact of the Ombudsman's Office and promote good public administration practices.

### **Information campaigns**

One of the action points that resulted from the survey with the general public was that the Office of the Ombudsman needs to increase its awareness, particularly with the younger generation.

To address this, the Office of the Ombudsman will implement a comprehensive information campaign that reaches all sectors of society. The use of new technologies, social media, and other modern communication channels can enhance such a campaign's effectiveness.

To achieve this goal, the following initiatives are being considered:

- i. Creating specialised guides and brochures for different population segments, ensuring everyone understands how to interact with the Ombudsman's office.



*The Ombudsman visiting the informative stand of the Office of the Ombudsman during the Local Council Association Plenary Session - 17 June 2023*

The informative materials such as publications, flyers, and videos that be distributed to the public, government agencies, and other stakeholders. These materials should explain the role and mandate of the Ombudsman Office and highlight the importance of good governance and public administration.

- ii. Maintaining an interactive, user-friendly website with informative content, complaint guides, and frequent updates. The institutional website, which has been serving its purpose for ten years, should be revised to provide a better user experience. The new website will provide a wealth of information on the Ombudsman Office's work, mandate, and services.

- iii. Utilise social media, digital channels, and the institutional website to disseminate information about the Ombudsman Office's activities and engage with the public. This could include creating and maintaining social media pages and profiles and running digital advertising campaigns.

- iv. Allocate a budget for the information campaign to ensure it has adequate resources to reach its target audience effectively. The budget should cover the production of materials, advertising costs, and other expenses related to the campaign.

By implementing these initiatives, the Ombudsman Office can significantly increase its outreach efforts and ensure that those who can use the services of the Office of the Ombudsman know their rights to good public administration.



## STRENGTHENING FURTHER THE RELATIONSHIP WITH THE MEDIA

The Ombudsman’s Office considers the media a stakeholder in its functions and prioritises access to the press. The media is crucial in disseminating information to the public and creating awareness of the Ombudsman’s role and activities.

To enhance credibility, the Ombudsman’s Office will maintain a consistent and unified voice in its interactions with the media.

During the first months of the new mandate, the Ombudsman and the Commissioners had already conducted regular interviews with different media outlets. This approach will continue to be followed in the coming months. The Office of the Ombudsman will be doing regular media appearances to inform the media and public about the ongoing initiatives.

*The Parliamentary Ombudsman during an informative visit to The National Archives of Malta in Rabat - 27 June 2023*





*The Commissioner for Education, Chief Justice Emeritus Vincent de Gaetano, during an interview on Campus FM.*

## ORGANISATION OF EVENTS

### *International Conference*

One of the topics the Office of the Ombudsman considers crucial is the right to good administration. To discuss this important topic, the Office of the Ombudsman is organising an international conference on the 31st of October and the 1st of November of this year in collaboration with the Association of the Mediterranean Ombudsmen. The conference's theme will be 'The right to good administration: myth, reality or aspiration?'. It will promote a radical shift in mentality, ensuring that public administrations operate transparently and accountably and treat people fairly and without improper discrimination.

### *Student's Freshers' Week*

The Office of the Ombudsman will continue to participate in events to promote and educate the role and services of the Ombudsman. Like in previous years, the Office will participate in and support the Freshers' Week events organised by different educational institutions.

The Office of the Ombudsman will extend such participation to other events which might target the audience relevant to the institution.

### *Youth Engagement Initiatives*

Apart from participating in student-related events, the Office of the Ombudsman will seek to collaborate with other educational institutions to organise workshops and sessions tailored for younger audiences.



*The Commissioner for Environment and Planning, Perit Alan Saliba, answered a telephone call from the public during a radio programme on Radju Malta*



*The Commissioner for Health, Prof. Ray Galea, during an interview on ONE TV*

Such initiatives will include competitions similar to the Ombudsman Prize in Law announced by the Ombudsman in April 2023, aimed to encourage research and knowledge dissemination on ombudsman-related subjects.

### *Thematical Lectures and Workshops*

The Ombudsman’s Office will organise seminars and workshops on various topics concerning the Office, such as good governance, transparency, and public administration. These seminars and workshops will bring together experts, policymakers, and other stakeholders to discuss challenges and best practices in these areas.

### *Local and regional meetings*

To reach out to as many people as possible, the Office of the Ombudsman will ensure that regular regional and local information meetings are organised. Collaboration with Local and Regional Councils will be sought to organise such events.

*An information stand during the Local Council Association Plenary Session*



The Office will also increase contact visits with people deprived of their liberty to ensure that the institution is accessible to them. The monthly meetings in Gozo will be retained, and the Office will work to encourage participation.

### *2025 - Commemorating the 30th Anniversary - A Milestone for the Office of the Ombudsman*

In 2025, the Office of the Ombudsman will commemorate its 30th Anniversary since the establishment of the Office of the Ombudsman in Malta. This is a landmark occasion, reflecting three decades of dedication to ensuring fairness, justice, and the protection of rights.

During 2024, planning will commence for initiatives to remember this milestone, building up to a grand celebration. A key highlight of the celebrations will be the organisation of the General Assembly of the Association of Mediterranean Ombudsmen, which will take place in Malta in 2025. This event will not only honour the legacy of the Office of the Ombudsman in Malta but also foster collaboration and shared learning among Ombudsman institutions across the Mediterranean region.



*The Parliamentary Ombudsman,  
Judge Emeritus Joseph Zammit McKeon,  
during an interview with The Malta Independent*

## CONCLUSION

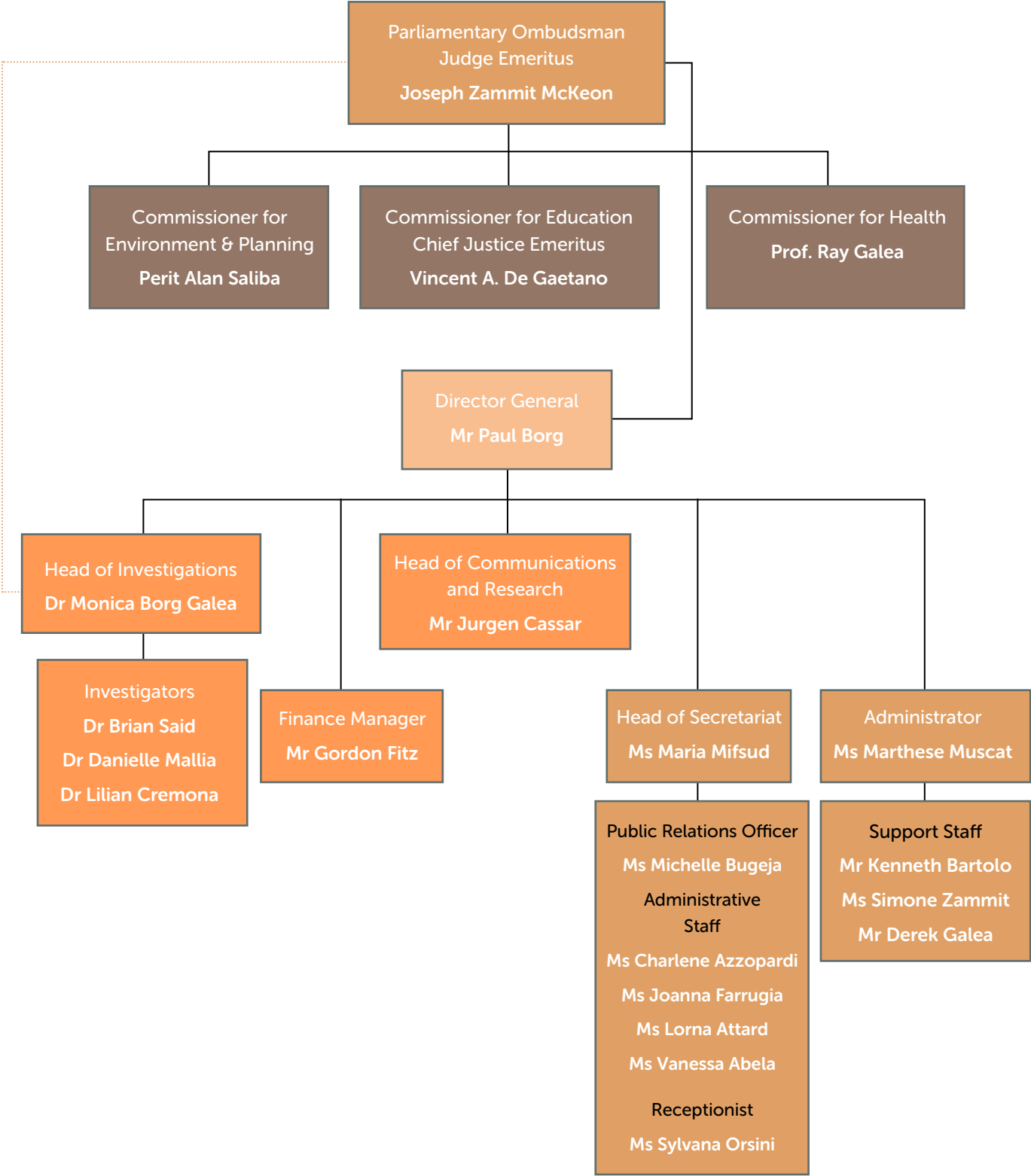
The outlined strategy for the year 2024 underlines the firm commitment of the Office of the Ombudsman to further connect with the people and the various institutions that interact with the Ombudsman's Office.

The focus on awareness, education, engagement, and transparency will drive a concerted effort to bring the institution closer to the citizens, strengthen the perception of its effectiveness, and reiterate its role as an independent guardian of people's rights.

The planned initiatives, campaigns, and collaborations are designed to resonate with different demographics and stakeholders, reinforcing the Ombudsman's commitment to good administration practices and public integrity.

By implementing these strategies, the Office of the Ombudsman aspires to contribute significantly to the betterment of public administration and to be a mover for positive change.

# ORGANISATION CHART





# FINANCIAL COMMENTARY

## 2023/2024



## FINANCIAL ALLOCATION FOR 2023

The financial allocation for the year 2023 amounted to €1,449,000 (Table 2.1) and was made up of the following heads of expenditure:

- i Salaries and Personal Emoluments  
€1,226,200
- ii Operational and Maintenance Expenses  
€207,800
- iii Capital Expenses  
€15,000

The effective allocation from the Ministry of Finance at the beginning of the year 2023 amounted to €1,449,000 as per the estimates submitted for the year 2023. This allocation was recommended for approval on 3 July 2023 at the meeting of the House Business Committee and approved by Parliament at the Plenary Session of 11 July 2023.

## OUTREACH

### Increase the outreach allocation

As part of the new operational strategy, we recognise the need to extend our outreach efforts in order to reach more factions with special attention to the more vulnerable groups and other stakeholder communities. This involves engaging in a wider range of discussions, gathering feedback and interacting with the media. For this purpose, the requested outreach budget allocation is being increased to €20,000.

### Gauging our performance

An essential element in our effort to deliver quality service is to gauge our performance. In view of our commitment to serve in the best interest, we commissioned a survey so as to be able to see our standing both as regards our performance and our ranking with the general public. This is crucial towards reaching out to the public.

### A new website

Our current website has served us well for the last ten years. It is felt that this is one of the main tools for engaging with the community in general and our service users. For this reason, a revamp of our website is both desirable and necessary in today's environment. It is envisaged that this project will be kick-started towards the latter part of the year, and a launch of the new website will be made at the beginning of 2024.

## OTHER FINANCIAL COMMITMENTS FOR 2023/2024

### Expansion of premises

On 1 May 2023, the Office acquired the lease of the premises situated next door at 10, St Paul Street, Valletta. These premises will be extensively refurbished and merged into our main office block to increase the much-needed office space. This refurbishment will add value to the main office area and the main facade of the block. We are currently working with our architects on the planning permits and we expect to get all permit approvals by the end of the year. The works are expected to start at the beginning of 2024 and be completed by mid of next year or the latter part of the year.

### Maintenance

This year, the Office embarked on a maintenance programme on the facade of wooden structures. This includes the

maintenance of the four wooden balconies, louvres and front doors. These structures are exposed to inclement weather conditions and only a rigorous maintenance routine could preserve these structures.

### Safety

In the past, the office invested in health and fire fighting equipment in a bid to observe the health and safety standards at the office. Training was also provided to our fire wardens. This year the fire fighting training was extended to all staff and a first fire drill was organised in July, with another drill planned for December. These drills and evacuation procedures are being conducted under the supervision of our Fire Safety consultants.

### International Relations

A conference discussing the theme “The Right to Good Administration- Myth, Aspiration or Reality?” will be organised at the end of October 2023. The event is backed and co-sponsored by the Association of



*The Parliamentary Ombudsman addressing the 12th Meeting and General Assembly of the Association of Mediterranean Ombudsmen (AOM) in Kosovo - 24 May 2023*

Mediterranean Ombudsmen. Preparations for this event are currently in full swing. We expect participation from a number of Ombudsman offices from Europe, with the participation of high-profile personalities, including the European Ombudsman.

In 2025, the Office will be celebrating its 30<sup>th</sup> Anniversary since its inception in 1995. As part of the celebrations, an international conference will be organised. This event will also be supported and co-sponsored by the Association of Mediterranean Ombudsmen. Preparations for this event will start towards the end of 2024.

On the international side, the Ombudsman Judge Emeritus, Joseph Zammit McKeon continued to hold the post of Secretary General and Treasurer of the Association of Mediterranean Ombudsmen (AOM). In May 2023, Judge Emeritus Zammit McKeon attended his first Executive and Governing Board Meetings in Prishtina Kosovo and addressed the conference treating the theme “Integrity and Independence of Ombudsman Institutions.

The biennial General Assembly of AOM was also held in Prishtina to coincide with the conference held there in May 2023. Of significant importance to the Office was the approval of the support and co-sponsorship to be given to the Malta Ombudsman office with regards to the October 2023 Conference being organised in Malta and the 2025 Biennial AOM Conference and General Assembly to be held in Malta.

The General Secretariat will organise an Executive Board Meeting of AOM to be held in Malta in October 2023 to discuss the activity plans of the Association for 2024, amongst other things. The Secretariat will also be involved in the organisation of the annual training event that takes place in Rabat, Morocco. This year’s theme will treat “Whistleblower Protection and Anti-Corruption. As in previous years, the Office will contribute to the event by sending a speaker.

### State of the Environment Report

The Commissioner for Environment and Planning has been tasked with the review of the report of the “State of the Environment Report” as per Section 57 (3) of the Environment Protection Act.

State of the environment reporting is broad in scope: It covers terrestrial, atmospheric, inland aquatic and urban environments, and it encompasses information about the environmental aspects of energy production and use, population change, urban growth and international trade, and from activity in the major economic sectors such as agriculture, manufacture and transport. The reporting system will also review societal responses to the changing conditions of the environment.

It is anticipated that the report will be finalised during 2024 and that the review will be carried out within the period stipulated in the Act. Following a call for consultancy services, an environment consultancy firm has already been contracted to assist the Commissioner in carrying out this review.

**TABLE 2.1 - FINANCIAL ALLOCATION REQUEST FOR 2024**

DETAILS	<i>Approved Allocation for 2023</i> €	<i>Requested Allocation for 2024</i> €
Salaries	843,200	849,462
Bonuses	6,485	6,485
Income supplements	5,815	5,815
Social security contributions	44,700	45,700
Allowances	326,000	305,138
<b><i>Total personal emoluments</i></b>	1,226,200	1,212,600
<b>OPERATIONAL &amp; MAINTENANCE EXPENSES</b>		
Utilities	20,000	20,000
Materials and supplies	10,000	10,000
Repair and upkeep	16,000	20,000
Rent	8,200	8,200
International membership	2,300	2,300
Office services	10,000	10,000
Transport	13,000	13,000
Travel	25,000	25,000
Information services	5,000	5,000
Contractual services	60,000	60,000
Professional services	20,000	56,600
Training	5,000	5,000
Hospitality	3,000	3,000
Outreach Programmes	9,700	20,000
Incidental expenses	600	600
<b><i>Total operational and maintenance expenses</i></b>	207,800	258,700
<b>SPECIAL EXPENDITURE</b>		
Equipment	15,000	15,000
<b><i>Total special expenditure</i></b>	15,000	15,000
<b>TOTAL</b>	<b>1,449,000</b>	<b>1,486,300</b>



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Office opens to the public as follows:

October – May      08:30am – 12:00pm

                                 01:30pm – 03:00pm

June – September    08:30am – 12:30pm

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