DEĊIŻJONI LI ILMENT MA JIĠIX INVESTIGAT

Ilment Nru:	079
Allegazzjoni:	Żamma ta' żewġ karigi full-time fis-settur pubbliku kontemporanjament
Ilmentatur:	Dr Robert Aquilina, President, NGO Repubbblika
Data tal-Ilment:	3 ta' Marzu 2021
Data ta' Dan ir-Rapport:	9 ta' April 2021

L-Ilment

1. Permezz ta' ittra datata 3 ta' Marzu 2021 (annessa u mmarkata bħala Dokument A), Dr Robert Aquilina, President tal-għaqda voluntarja Repubbblika (l-Ilmentatur) talabni ninvestiga l-aġir tas-Sur Nigel Vella, dak iż-żmien Deputy Head of Government Communications fl-Uffiċċju tal-Prim Ministru. L-Ilmentatur allega illi s-Sur Vella kien qed jokkupa żewġ karigi full-time mal-gvern.

2. Qed nirriproduċi l-kontenut tal-ilment hawn taħt, fejn l-Ilmentatur qajjem is-segwenti punti:

> 1. *Ma hemm l-ebda provvediment għall-kariga ta' Deputat Kap tal-Komunikazzjoni fl-Uffiċċju tal-Prim Ministru, okkupata mis-Sur Vella, u dan il-post ma jissemmiex fil-"Maximum Staff compliment for the Prime Minister's Secretariat" (7.7.4);*
>
> 2. *7.6.1 jipprovdi li "A Ministry that has no Parliamentary Secretariat is entitled to four Policy Consultants". It-tweġiba għall-Mistoqsija Parlamentari 19216 tista' taghti x'jifhem li fil-Ministeru għal Għawdex hemm sitt policy consultants, wieħed minnhom is-Sur Nigel Vella, għalkemm ismu huwa moħbi fuq is-sit tal-Parlament. Huwa minnu li*

dawn is-sitta jistgħu ma jaqbżux l-erbgħa "full time equivalents" imma dan ma nistgħux inkunu nafuh.

3. 7.7.8 jistipula li kull applikazzjoni għall-ħatra ta' Policy Consultant, bħal dik tas-Sur Nigel Vella, trid tkun approvata mill-Kap tas-Segretarjat tal-Prim Ministru. Allura din il-ħatra, li dwarha qed nilmentaw, kienet approvata minn persuna ta' fiduċja oħra, il-Kap tas-Segretarjat tal-Prim Ministru.

4. 7.8.11 hija ċara li "All Secretariat employees are required to conform to the Code of Ethics for Public Officers or any other Code of Ethics as prescribed by law as the case may be. In line with this Code, all officers must first obtain the written recommendation of the Head of Secretariat of the Ministry, and then obtain the written approval of the Permanent Secretary of the Ministry concerned if they wish to take on any form of outside employment or business interest in addition to their Secretariat duties". Għalhekk jidhrilna li f'dan il-każ hemm potenzjalment imġieba skorretta kemm mis-Sur Vella innifsu kif ukoll mis-Segretarju Permanenti Ewlieni u mis-Segretarju Permanenti fil-Ministeru għal Għawdex.

Applikabbiltà tal-Att dwar Standards fil-Ħajja Pubblika

3. L-Att dwar Standards fil-Ħajja Pubblika (il-kapitolu 570 tal-liġijiet ta' Malta) jagħtini s-setgħa li ninvestiga l-aġir ta' membri parlamentari (inkluż ministri u segretarji parlamentari) u persuni ta' fiduċja. L-Att jiddefinixxi "persuni ta' fiduċja" bħala persuni li jaħdmu fis-segretarjat ta' ministru jew segretarju parlamentari, u li jaġixxu bħala konsulenti, jagħtu pariri, jew jaġixxu f'kapaċità eżekuttiva.

4. La s-Segretarju Permanenti Ewlieni u lanqas is-Segretarju Permanenti fil-Ministeru għal Għawdex ma jistgħu jitqiesu persuni ta' fiduċja skont din id-definizzjoni. Għaldaqstant l-ilment mhuwiex ammessibbli fir-rigward tagħhom.

5. Mill-banda l-oħra, il-kariga ta' Deputy Head of Government Communications hija koperta mill-Att, billi din hija kariga ta' fiduċja fis-Segretarjat tal-Prim Ministru, u kif inhi wkoll il-kariga ta' Policy Consultant ma' kwalunkwe ministru. L-istess jgħodd ukoll għall-kariga ta' Kap tas-Segretarjat tal-Prim Ministru.

6. Għaldaqstant l-ilment huwa potenzjalment ammessibbli skont l-Att safejn jittratta dwar is-Sur Nigel Vella u l-Kap tas-Segretarjat tal-Prim Ministru.

Indaġni Preliminari

7. Iddeċidejt li qabel ma ngħaddi biex nikkunsidra liema dispożizzjonijiet tal-kodiċi ta' etika relevanti[1] huma potenzjalment applikabbli għal dan il-każ, għandi niddetermina jekk hemmx bażi fattwali għall-ilment.

8. Għal din ir-raġuni, fit-18 ta' Marzu 2021 jiena ktibt lis-Sur Nigel Vella (kopja tal-ittra annessa u mmarkata bħala Dokument B) u tlabtu jipprovdili informazzjoni kif jidher hawn taħt:

(a) tindika jekk hux minnu li inti okkupajt il-karigi indikati, u jekk iva, b'liema kondizzjonijiet;

(b) tispeċifika jekk il-Ministeru għal Għawdex talabx approvazzjoni mill-Uffiċċju tal-Prim Ministru għall-ingaġġ tiegħek bħala konsulent, u jekk din l-approvazzjoni ngħatatx; u

(c) tispeċifika jekk inti tlabtx permess qabel aċċettajt il-kariga ta' konsulent fil-Ministeru għal Għawdex , u jekk iva, mingħand min tlabt il-permess u x'kienet ir-risposta.

9. Jiena rreferejt għad-dokument intitolat *Manual on Resourcing Policies and Procedures*, ippubblikat mill-Uffiċċju tas-Segretarju Permanenti Ewlieni, li jirregola l-proċess tal-ħatra ta' impjegati mal-gvern.[2] Il-kapitolu 7 ta' dan id-dokument jittratta dwar l-ingaġġ ta' persuni ta' fiduċja.

10. Irreferejt għat-taqsima 7.8.11 tal-*Manual on Resourcing Policies and Procedures*, intitolat "*Other Employment or Business Interests for Secretariat Staff*", li jgħid illi:

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1 Il-kodiċi ta' etika relevanti huwa dak li jinsab fl-ewwel skeda tal-Att dwar l-Amministrazzjoni Pubblika (il-kapitolu 595 tal-liġijiet ta' Malta). Dan il-kodiċi japplika għall-persuni ta' fiduċja bis-saħħa tal-artikolu 3(1)(b) tal-Att dwar Standards fil-Ħajja Pubblika (il-kapitolu 570).

2 Dan id-dokument huwa aċċessibbli minn https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Resourcing_Policies_and_Procedures.pdf.

All Secretariat employees are required to conform to the Code of Ethics for Public Officers or any other Code of Ethics as prescribed by law as the case may be. In line with this Code, all officers must first obtain the written recommendation of the Head of Secretariat of the Ministry, and then obtain the written approval of the Permanent Secretary of the Ministry concerned if they wish to take on any form of outside employment or business interest in addition to their Secretariat duties. This requirement also applies to any parttime employment or business interest that an individual may have held prior to taking up a Secretariat post and which he/she may wish to retain. Employees are to seek renewal of such approval on an annual basis.

The procedure to be followed in these cases is for the individual to declare any outside employment or business interest in writing to the Head of Secretariat for his/her recommendation to the Permanent Secretary of the Ministry concerned. With particular reference to the conflict of interest issue highlighted in the above-mentioned Code, the Permanent Secretary is then to issue a written decision to the Head of Secretariat as to whether the Officer`s request is approved or denied.

The Permanent Secretary`s final response, including the officer's declaration supported by the Head of Secretariat's recommendation, is to be copied to the Cabinet Secretary and the Office of the Prime Minister. In cases that concern new recruits to a Secretariat, this procedure must be completed before OPM approval for recruitment is obtained and the Secretariat Agreement signed.

Sottomissjonijiet bil-Miktub

11. Is-Sur Vella rrisponda permezz ta' email datata 23 ta' Marzu 2021 (annessa u mmarkata bħala Dok Ċ), fejn qal:

Nibda biex ngħid mill-ewwel li jiena la għandi u qatt ma kelli żewġ xogħolijiet full-time fl-istess ħin.

Il-kuntratt tiegħi full-time kien biss dak bħala Deputat Kap tal-Komunikazzjoni tal-Gvern fl-Uffiċċju tal-Prim Ministru, liema kuntratt ma baqax fis-seħħ mit-22 ta' Marzu minħabba li ridt niffoka fuq prospetti differenti fil-karriera tiegħi. Kuntrarjament għal dak li ġie vvintat, nispeċifika li l-konsulenza tiegħi mal-Ministru għal Għawdex kienet ta'

għaxar sigħat (10) fil-ġimgħa, u għalhekk kompletament fuq bażi part-time.

Għall-fini ta' verifika qed nehmeż ma' din il-korrispondenza kopja tal-kuntratt mal-Ministeru għal Għawdex (immarkat u anness Dok A). Qed nehmeż ukoll l-estensjoni ta' dan il-kuntratt (immarkata u anness Dok B).

L-ingaġġ tiegħi bħala Deputat Kap tal-Kommunikazzjoni sar skont il-proċeduri u l-manwal li jirregola tali ħatriet. Bl-istess mod sar l-ingaġġ fuq bażi part-time fi ħdan il-Ministeru għall-Għawdex. Għall-fini ta' verifika qed nehmeż ma' din il-korrispondenza kopja tal-korrispondenza mibgħuta lill-uffiċċju tal-Kap tas-Segretarjat tal-Uffiċċju tal-Prim Ministru mill-Ministeru għal Għawdex (immarkata Dok Ċ).

Konsiderazzjonijiet

12. L-ilment huwa bbażat fuq żewġ allegazzjonijiet:

- li s-Sur Vella kien qiegħed jokkupa żewġ karigi fuq bażi full-time; u
- is-Sur Vella naqas milli jakkwista l-approvazzjonijiet meħtieġa mill-kapitolu 7 tal-*Manual on Resourcing Policies and Procedures* qabel ma assuma l-inkarigu ta' Policy Consultant mal-Ministeru għal Għawdex.

13. Fir-rigward tal-ewwel allegazzjoni, jidher ċar illi l-kuntratt tas-Sur Vella bħala Policy Consultant mal-Ministeru għal Għawdex huwa purament fuq bażi part time u jinvolvi biss għaxar siegħat fil-ġimgħa.

14. Fir-rigward tat-tieni ilment, il-proċedura elenkata fit-taqsima 7.8.11 tal-*Manual* titlob approvazzjoni mingħand il-Kap tas-Segretarjat u s-Segretarju Permanenti fil-ministeru fejn jaħdem membru ta' segretarjat li bi ħsiebu jassumi xogħol ieħor. Is-Sur Vella kien jaħdem fl-Uffiċċju tal-Prim Ministru u għaldaqstant kellu bżonn l-approvazzjoni tal-Kap tas-Segretarjat tal-Prim Ministru u s-Segretarju Permanenti Ewlieni.

15. Mill-korrispondenza pprovduta mis-Sur Vella, jidher li l-Kap tas-Segretarjat tal-Prim Ministru approva l-ingaġġ tas-Sur Vella bħala Policy Consultant mal-Ministeru għal Għawdex. Jidher ukoll li l-kuntratt tas-Sur Vella bħala Policy Consultant ġie riferut lid-Direttur (Management Support) fl-Uffiċċju tal-Prim Ministru. Il-kariga ta' Direttur (Management Support) taqa'

direttament taħt is-Segretarju Permanenti Ewlieni,[3] jiġifieri l-uffiċċju tas-Segretarju Permanenti Ewlieni ġie infurmat bl-ingaġġ tas-Sur Vella bħala Policy Consultant.

16. Jidher li dawn ir-riferenzi saru għall-finijiet ta' dispożizzjonijiet oħra tal-Manual, mhux it-taqsima 7.8.11, iżda ċertament ma jistax jingħad li s-Sur Vella b'xi mod aġixxa minn wara dahar is-superjuri tiegħu. Dawk li, skont it-taqsima 7.8.11 tal-*Manual*, kellhom japprovaw l-ingaġġ tiegħu bħala Policy Consultant għamlu dan, jew tal-anqas ġew infurmati u setgħu joġġezzjonaw kieku xtaqu. Għaldaqstant jien tal-fehma li fis-sustanza r-rekwiżiti tat-taqsima 7.8.11 tal-*Manual* ġew sodisfatti, u jkun tfettiq jekk wieħed jikkonkludi li kien hemm ksur ta' etika għas-sempliċi raġuni li l-proċedura applikabbli ma ġietx segwita b'mod preċiż.

17. L-Ilmentatur iqajjem ukoll il-punt li l-kariga ewlenija tas-Sur Vella, dik ta' Deputy Head of Government Communications, mhix inkluża fil-*Manual*. Dan jidher li huwa minnu, iżda l-ħolqien ta' din il-kariga ma jistax b'mod raġonevoli jitqies bħala nuqqas da parti tas-Sur Vella jew il-Kap tas-Segretarjat tiegħu. Barra minn hekk, il-paragrafu 7.7.7(b) tal-*Manual* jaħseb għal varjazzjonijiet fl-istrutturi tas-segretarjati. Dan il-paragrafu jgħid hekk:

> *In view of the exigencies and work practices of different Ministries, a Minister, Parliamentary Secretary and other designated Offices may request the Prime Minister's approval to modify the set up of the complement in the tables shown above. These changes should be such as not to unduly upset the salary allocation of the Ministry's Private Secretariat, albeit that a reasonable flexibility in salary scales and other benefits will be allowed, as long as the approved budget is not exceeded and the number of personnel in the respective secretariat remains the same.*

Konklużjoni

18. Għal dawn ir-raġunijiet jiena ddeċidejt ai termini tal-artikolu 17(1) tal-Att dwar Standards fil-Ħajja Pubblika li m'hemmx bażi biex dan l-ilment jiġi investigat.

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[3] Ara https://opm.gov.mt/en/Pages/Contact-Details.aspx.

19. Din id-deċiżjoni qed tintbagħat lill-Ilmentatur għall-finijiet tal-artikolu 17(3) tal-Att, kif ukoll lis-Sur Nigel Vella bħala l-persuna li dwarha sar l-ilment.

20. Dan id-dokument jirrappreżenta deċiżjoni li mhux se ssir investigazzjoni, u mhux rapport dwar l-eżitu ta' investigazzjoni. Għaldaqstant, b'konformità mal-proċedura maqbula fil-Kumitat Permanenti tal-Parlament dwar l-Istandards fil-Ħajja Pubblika, dan id-dokument mhux se jiġi ppubblikat mill-uffiċċju tiegħi, iżda dan naturalment ma jorbotx lill-partijiet.

Dr George Marius Hyzler
Kummissarju għall-Istandards fil-Ħajja Pubblika

Dokumenti Annessi

Dokument A	Ittra datata 3 ta' Marzu 2021 mingħand Dr Robert Aquilina, President tal-għaqda voluntarja Repubbblika.
Dokument B	Ittra bid-data tat-18 ta' Marzu 2021 lis-Sur Nigel Vella.
Dokument Ċ	Email datata 23 ta' Marzu 2021 mingħand is-Sur Nigel Vella, u dokumenti mehmuża.

DOKUMENT A

repubblika

A CIVIL SOCIETY MOVEMENT

Dr George-Marius Hyzler
Kummissarju tal-Istandards fil-Ħajja Pubblika
11, Triq San Pawl
Il-Belt Valletta VLT1210

3 ta' Marzu 2021

Sur Kummissarju,

Għan-nom ta' Repubblika, qed inressaq ilment dwar l-imġieba tas-Sur Nigel Vella, li bħala persuna ta' fiduċja okkupa l-kariga *full-time* ta' Deputat Kap tal-Komunikazzjoni tal-Prim Ministru waqt li fl-istess ħin okkupa wkoll kariga oħra ta' persuna ta' fiduċja *full-time* bħala konsulent fuq il-komunikazzjoni fil-Ministeru ta' Għawdex.

Repubblika jidhirlha li din mhix imġieba xierqa minn persuni ta' fiduċja imħallsa mill-poplu Malti u tikkostitwixxi abbuż.

Meta ħarisna lejn il-*Manual on Resourcing Policies and Procedures* (verżjoni ta' Ġunju 2020), publikat mill-Uffiċju tas-Segretarju Parlamentari Ewlieni fl-Uffiċju tal-Prim Ministru li jirregola dawn il-ħatriet, innutajna li:

1. ma hemm l-ebda provvediment għall-kariga ta' Deputat Kap tal-Komunikazzjoni fl-Uffiċċju tal-Prim Ministru, okkupata mis-Sur Vella, u dan il-post u ma jissemmiex fil-"Maximum Staff complement for the Prime Minister's Secretariat" (7.7.4);

2. 7.6.1 jipprovdi li "*A Ministry that has no Parliamentary Secretariat is entitled to four Policy Consultants*". It-tweġiba għall-Ministoqsija Parlamentari 19216 tista' tagħti x'jifhem li fil-Ministeru għall-Għawdex hemm sitt policy consultants, wieħed minnhom is-Sur Nigel Vella, għalkemm ismu huwa moħbi fuq is-sit tal-Parlament. Huwa minnu li dawn is-sitta jistgħu ma jaqbżux l-erbgħa "full-time equivalents" imma dan ma nistgħux inkunu nafuh.

3. 7.7.8 jistipula li kull applikazzjoni għall-ħatra ta' Policy Consultant, bħal dik tas-Sur Nigel Vella, trid tkun approvata mill-Kap tas-Segretarjat tal-Prim Ministru. Allura din il-ħatra, li dwarha qed nilmentaw, kienet approvata minn persuna ta' fiduċja oħra, il-Kap tas-Segretarjat tal-Prim Ministru.

4. 7.8.11 hija ċara li "*All Secretariat employees are required to conform to the Code of Ethics for Public Officers or any other Code of Ethics as prescribed by law as the case may be. In line with this Code, all officers must first obtain the written recommendation of the Head of Secretariat of the Ministry, and then obtain the written approval of the Permanent Secretary of the Ministry concerned if they wish to take on any form of outside employment or business interest in addition to their Secretariat duties.*" Għalhekk jidhrilna li f'dan il-każ hemm potenzjalment imġieba skorretta kemm mis-Sur Vella innifsu kif ukoll mis-Segretarju Permaneti Ewlieni u mis-Segretarju Permanenti fil-Ministeru għal Għawdex.

29, Pjazza tal-Knisja, Mqabba MQB1011
contact@repubblika.org

Repubblika tqis li dan il-każ huwa sintomu ta' problema ferm akbar, l-użu abbużiv ta' ħatriet fuq bażi ta' fiduċja mill-Gvern mingħajr l-ebda skrutinju. Dan l-abbuż qed jherri kemm is-Servizz Pubbliku kif ukoll il-fiduċja taċ-ċittadini fl-imparzjlità u l-kompetenza ta' dan is-servizz.

Nittamaw li l-investigazzjoni tiegħek tgħin biex tibda tiġi indirizzata din is-sitwazzjoni abbużiva.

Inselli għalik,

Dr Robert Aquilina
President

DOKUMENT B

Kummissarju għall-Istandards fil-Ħajja Pubblika

18 ta' Marzu 2021

Is-Sur Nigel Vella
Deputy Head of Government Communications
Segretarjat tal-Prim Ministru

Bl-email fuq nigel.vella@gov.mt

Sur Vella,

Ilment dwar żamma ta' żewġ karigi full-time fl-istess ħin

Irċevejt ilment li jallega li inti tokkupa jew kont tokkupa żewġ karigi full-time mal-gvern f'daqqa, jiġifieri dawk ta' Deputy Head of Government Communications fis-Segretarjat tal-Prim Ministru u Konsulent mal-Ministru għal Għawdex. L-ilment huwa anness.

Sabiex nistabbilixxi il-fatti u niddetermina hemmx bażi għal investigazzjoni, inti mitlub:

(a) tindika jekk hux minnu li inti okkupajt il-karigi indikati, u jekk iva, b'liema kondizzjonijiet;

(b) tispeċifika jekk il-Ministeru għal Għawdex talabx approvazzjoni mill-Uffiċċju tal-Prim Ministru għall-ingaġġ tiegħek bħala konsulent, u jekk din l-approvazzjoni ngħatatx; u

(c) tispeċifika jekk inti tlabtx permess qabel aċċettajt il-kariga ta' konsulent fil-Ministeru għal Għawdex, u jekk iva, mingħand min tlabt il-permess u x'kienet ir-risposta.

Napprezza risposta mingħandek sa mhux aktar tard mill-**Erbgħa 24 ta' Marzu 2021**.

Inselli għalik,

Dr George Marius Hyzler
Kummissarju għall-Istandards fil-Ħajja Pubblika

Charles Polidano - Office of the Commissioner for Standards in Public Life

From:	Vella Nigel at OPM <nigel.vella@gov.mt>
Sent:	Tuesday, 23 March 2021 14:44
To:	Charles Polidano - Office of the Commissioner for Standards in Public Life
Subject:	RE: Ilment dwar żamma ta' żewġ karigi full-time fl-istess ħin
Attachments:	DOK A.pdf; DOK B.pdf; DOK Ċ.pdf

23 ta' Marzu 2021,

Il-Kummissarju għall-Istandards fil-Ħajja Pubblika

Dr George Hyzler

Sur Kummissarju,

Nagħmel referenza għall-korrispondenza datata 18 ta' Marzu 2021 mibgħuta fuq l-indirizz elettroniku tiegħi, nigel.vella@gov.mt.

Nibda biex ngħid mill-ewwel li jiena **la għandi** u **qatt** ma kelli żewġ xogħolijiet *full-time* fl-istess ħin.

Il-kuntratt tiegħi *full-time* kien biss dak bħala Deputat Kap tal-Komunikazzjoni tal-Gvern fl-Uffiċċju tal-Prim Ministru, liema kuntratt ma baqax fis-seħħ mit-22 ta' Marzu minħabba li ridt niffoka fuq prospetti differenti fil-karriera tiegħi. Kuntrarjament għal dak li ġie vvintat, nispeċifika li l-konsulenza tiegħi mal-Ministru għal Għawdex kienet ta' għaxar sigħat (10) fil-ġimgħa, u għalhekk kompletament fuq bażi *part-time.*

Għall-fini ta' verifika qed nehmeż ma' din il-korrispondenza kopja tal-kuntratt mal-Ministeru għal Għawdex (immarkat u anness **Dok A**). Qed nehmeż ukoll l-estensjoni ta' dan il-kuntratt (immarkata u anness **Dok B**).

L-ingaġġ tiegħi bħala Deputat Kap tal-Kommunikazzjoni sar skont il-proċeduri u l-manwal li jirregola tali ħatriet. Bl-istess mod sar l-ingaġġ fuq bażi *part-time* fi ħdan il-Ministeru għall-Għawdex. Għall-fini ta' verifika qed nehmeż ma' din il-korrispondenza kopja tal-korrispondenza mibgħuta lill-uffiċċju tal-Kap tas-Segretarjat tal-Uffiċċju tal-Prim Ministru mill-Ministeru għal Għawdex. (immarkata **Dok Ċ)**

Finalment, nixtieq intenni miegħek id-disponibiltà tiegħi li nikkordina mal-Uffiċċju tiegħek u nagħti aktar informazzjoni.

Nirringrazzjak u nselli għalik,

Nigel Vella

From: Charles Polidano - Office of the Commissioner for Standards in Public Life <charles.polidano@standardscommissioner.com>
Sent: 18 March 2021 15:26
To: Vella Nigel at OPM <nigel.vella@gov.mt>
Subject: Ilment dwar żamma ta' żewġ karigi full-time fl-istess ħin
Importance: High

CAUTION: This email originated from OUTSIDE the Government Email Infrastructure. DO NOT CLICK LINKS or OPEN attachments unless you recognise the sender and know the content is safe.

Sur Vella

Ġentilment mitlub tara l-ittra annessa, li hija mingħand il-Kummissarju għall-Istandards fil-Ħajja Pubblika u qed titlob risposta mingħandek sal-24 ta' Marzu 2021.

Charles Polidano
Direttur Ġenerali

Office of the Commissioner for Standards in Public Life

11, St Paul Street, Valletta VLT 1210, Malta
+356 27 269 593 www.standardscommissioner.com

MINISTRY FOR GOZO

Our Ref: **MG 261/2017**

4th March 2020

Ms Christine Madiona
Director Managment Support
Management Support Directorate
Office of the Prime Minister
Auberge de Castille
Valletta

Contract of Policy Consultant within the Ministry for Gozo

Attached kindly find the Contract regarding the officer concerned which is being referred for your perusal and further necessary action from your end.

Mr Nigel Vella ID: [redacted]

Kind Regards

Elaine Agius
f/Director Corporate Services

cc. Auditor General – National Audit Office
Director General (Inland Revenue)
Director (HR Systems & Data Management) P&SD
Central Salaries and Service Pensions, Gozo
Officer in charge Salaries – Corporate Services Directorate
Officer in charge Records – Corporate Services Directorate

Encl.

AGREEMENT FOR THE ENGAGEMENT OF A POLICY CONSULTANT ON A PERSON OF TRUST BASIS WITH THE MINISTRY FOR GOZO

It is to be noted that nomenclatures importing the male gender include also the female gender.

1. Agreement made on the 12th February 2020 between the Government of Malta, represented by John Borg, Permanent Secretary within the Ministry for Gozo and Mr. Nigel Vella of [redacted], hereinafter called the Policy Consultant for services to be rendered to the Ministry for Gozo for any duties which may be assigned to him by the Minister.

2. The Policy Consultant, which hereinafter is being engaged on a Person of Trust basis, undertakes to perform his duties faithfully and diligently for a period of one year and will act in all respects according to the instructions or directives given to him by the Minister.

3. The agreement is effective for a period of one year as from the 1st February 2020.

4. Since, for the purpose of S.L. 452.81 entitled Contracts of Services for a Fixed Term Regulations 2007 there is an objective reason why an incumbent in this position should not attain indefinite status if employed in excess of the legal limit stipulated in these Regulations, this being the fact that he is engaged on a Person of Trust basis. In the event that the contract is not renewed or is terminated, the Contractee's service with Government will hence be terminated.

5. The Policy Consultant shall, unless otherwise requested by the Minister, perform the following duties:

- Responsible for strategy and communications in relation to the Ministry for Gozo and Gozo affairs
- Other matters within the Ministry for Gozo

6. The Policy Consultant shall be expected to work an average of 10 hours per week and any additional periods according to the exigencies of the Ministry; however, he will not be entitled to any extra remuneration.

7. The salary of the Policy Consultant shall be salary scale 3, paid pro-rata according to the number of hours stipulated in Clause 6 of this agreement.

7.1 Furthermore, the Policy Consultant shall be entitled to the following benefits:

- Expertise Allowance of €2,000 per annum
- Expense Allowance of €500 per annum
- Mobile & ADSL Connection Allowance of €203.75 per annum
- Car Allowance of €2,320 per annum

8. The Policy Consultant is expressly prohibited from participating in any way in all forms of tenders for supply and other forms of service and / or supply purchase requests issued by the Ministry.

9. If the Policy Consultant shall be compelled by reason of ill-health (not caused by his own misconduct) to resign office or if at any time it shall be certified by a duly qualified medical officer employed by the Government that he is incapable by reason of any infirmity of mind and body (not caused by his own misconduct) of rendering further effective service, the salary shall be paid up to date of such resignation or certificate.

10. The Policy Consultant shall be entitled full-pay sick leave for thirty working days and half-pay sick leave for a similar period or pro rata periods in the case of Policy Consultants working on a part-time basis. A certificate signed by a duly qualified medical officer employed by the Government shall be the conclusive evidence on the question as to whether the Policy Consultant was compelled to resign his office by reason of ill-health within the meaning of Clause 11 of this Agreement.

11. The Policy Consultant shall be entitled to 216 hours vacation leave on full pay or pro rata periods in the case of Policy Consultants working on a part-time basis to be availed of on such days as the Minister shall approve.

12. Any unutilised vacation leave is forfeited unless availed of by the expiration of the contractual period. The Contractee may opt to donate such leave to the Donation of Vacation Leave Central Fund.

13. The Policy Consultant will not be entitled to any other benefits apart from those stipulated in the preceding paragraphs. The Policy Consultant will not be entitled to such concessions applicable to permanent public officers as parental leave, responsibility leave and reduced hours.

14. The Policy Consultant shall conform to general Government rules and regulations in force from time to time.

15. If the Policy Consultant shall at any time after signing hereof, neglect or refuse for any cause (other than ill-health not caused by his own misconduct) or become unable to perform any of his duties or to comply with any order, or shall disclose any information respecting the affairs of the Government to any unauthorised person/s or shall in any manner misconduct himself, his employment may be terminated forthwith and thereby all rights and advantages reserved to him by this Agreement shall cease.

16. This Agreement may be terminated by the Government at any time on one month's notice in writing or a payment of two weeks' salary.

17. The Policy Consultant may at any time after expiration of one month from the commencement of the Agreement date, terminate his engagement by giving one month's notice in writing or paying the Government two weeks' salary.

18. In the event of a change of Government or Minister, when the Policy Consultant would be expected to offer his resignation, the agreement may be terminated by either party forthwith. The Policy Consultant shall continue to receive the salary stipulated to the end of the month of such termination.

19. If the Policy Consultant determines his engagement otherwise than in accordance with this Agreement, he shall be liable to pay as liquidated damages one month's salary.

20. In the event of pecuniary damage arising from disregarding or failing to comply with any order, standing order, or instruction given by the Minister or from any neglect of duty whatsoever on his part, the Policy Consultant may be liable to a deduction from his salary to make good the damage or any part thereof, the amount of which shall be fixed by the Government.

21. Three months prior to the completion of service under this Agreement the Head of Secretariat has to determine whether this engagement is still required and informs the Head of Secretariat (OPM) accordingly.

22. If the Government offers him an extension for his engagement, this shall be on such terms and for such periods as may be mutually agreed upon.

The parties intending to be legally bound are therefore signing this Agreement on the date set hereunder.

Signed by, on behalf of the Government of Malta

John Borg
Permanent Secretary
Ministry for Gozo

Signed by:

Nigel Vella
ID No: [redacted]

Witnessed by: Carmen Ogilvie-Galea
Director General (Operations)

Signature of Witness: ---------------------------------------

Address of Witness: Operations Division
Ministry for Gozo
St. Francis Square
Victoria
Gozo

Date: 12th February 2020

MINISTRY FOR GOZO
St. Francis Square, ir-Rabat, Għawdex

[redacted]

12th February 2020

Mr Nigel Vella
Policy Consultant

Addendum to the Agreement for the Engagement of a Policy Consultant on a Person of Trust Basis with the Ministry for Gozo

Reference is made to the Agreement signed today to provide for your engagement as Policy Consultant within the Strategic and Priorities Unit (SPU), within the Ministry for Gozo.

The Agreement is being signed subject to security clearance attained.

Should such approval not be forthcoming, the Agreement will be terminated forthwith and no notice period and/or any benefits would be applicable.

To signify your acceptance of this addendum please countersign this letter.

John Borg
Permanent Secretary
Ministry for Gozo

Mr Nigel Vella
ID Card No [redacted]

Witnessed by:

Carmen Ogilvie-Galea
Director General (Operations)
Ministry for Gozo

MINISTRY FOR GOZO
St. Francis Square, ir-Rabat, Ghawdex

Our Ref: **MG 261/2017**

25th November 2020

The Director
People Resourcing & Compliance
P&SD
OPM

Renewal of Contract of POT within the Ministry for Gozo

Attached please find the copy of the renewal letter of the officer concerned which is being referred for your information and perusal.

Mr Nigel Vella ID [redacted] Policy Consultant

Kind Regards

Elaine Agius
f/Director Corporate Services

cc. Auditor General
The Director (Tax Audits), Ministry for Finance
Central Salaries and Pension Section Gozo
Corporate Services Directorate, Ministry for Gozo

Encl.

MINISTRY FOR GOZO
St. Francis Square, ir-Rabat, Għawdex

20 November 2020

EXTENSION LETTER

I wish to inform you that the contract signed on 12th February 2020, through which you are engaged as a Policy Consultant, in the Strategic & Priorities Unit, Ministry for Gozo, is being extended for a period of one year, commencing on 1st February 2021, under the same terms and conditions as stipulated in the above mentioned contract.

To signify your acceptance of this extension, please countersign this letter and return it at your earliest to the undersigned.

Date 20/11/2020

John Borg
Permanent Secretary
Ministry for Gozo

Date 20/11/2020

Mr Nigel Vella
[redacted]
Policy Consultant

From: Camenzuli Sharon at OPM <sharon.camenzuli@gov.mt>
Sent: Wednesday, 12 February 2020 12:19
To: Buhagiar Michael at MGOZ-Secretariat <michael.a.buhagiar@gov.mt>
Subject: RE: SPU's

Dear Mr Buhagiar,

With reference to your below correspondence please be informed that given that the security clearance is still in process you may proceed with the provisional employment of Mr [redacted] and Mr Nigel Vella.

The final approval is still subject to the security clearance.

Kind regards,

Sharon
o/b Mr Clyde Caruana
Head of Secretariat

Sharon Camenzuli
PA to the Head of Secretariat
Office of the Prime Minister

t +356 22002413 **e** sharon.camenzuli@gov.mt | www.primeminister.gov.mt OFFICE OF T

Kindly consider your environmental responsibility before printing this e-mail AUBERGE DE CASTILLE,

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From: Caruana Clyde at OPM <clyde.caruana@gov.mt>
Sent: Wednesday, 12 February 2020 10:53
To: Camenzuli Sharon at OPM <sharon.camenzuli@gov.mt>
Subject: FW: SPU's

From: Buhagiar Michael at MGOZ-Secretariat
Sent: Tuesday, 11 February 2020 17:35
To: Caruana Clyde at OPM
Subject: SPU's

Dear Clyde,

Please find Contract of Mr Nigel Vella and Mr [redacted] for your approval as consultants to Hon Clint Camilleri.

Thank you
Regards
Michael

Michael Buhagiar
Chief of Staff

t +356 22100003 **e** michael.a.buhagiar@gov.mt | www.gozo.gov.mt

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Kindly consider your environmental responsibility before printing this e-mail ST FRANCIS SQUARE, VIC