

Report on Case No CEDUC-25-6980

The complaint

1. The complaint was lodged with the Office of the Parliamentary Ombudsman on the 19th November 2025. The complainant, a third-country national regularly residing in Malta, applied for the post of Full-time Academic in Entrepreneurship Key Skills at lecturer level with the Malta College of Arts, Science and Technology (MCAST). Shorn of all verbiage, his complaint is, in substance, two-pronged: (1) that he was not treated fairly in the recruitment process and (2) that he was basically ignored by the administration of MCAST whenever he sought information about the outcome of the recruitment process.

The investigation

2. As the undersigned has often remarked, it is not the function of the Commissioner for Education to substitute the views of a regularly constituted and regularly functioning selection board with his views as to the suitability of an individual or of individuals for a post advertised by a public education provider. The function of the undersigned is to ensure that, within the framework of established internal recruitment procedures, there has been no decision, recommendation, act or omission which flies in the face of paragraphs (a) to (d) of sub-article (1) of Article 22 of the Ombudsman Act, and that no discretionary power was exercised for an improper purpose or on irrelevant grounds or without reasons being given (Art. 22(2)). In the context of a selection process – like in the context of an examination – this requires a thorough examination of the *modus operandi* of the Board in question, the minutes kept and the marks allocated to

candidates, the minutes and the marks being, in effect, the reasons given for the ultimate decision taken by the said Board.

3. From all the documents - both those submitted by the complainant and those provided by the respondent entity – and from the evidence heard, the following time-line and facts emerge.

4. The call for applications for the post *de quo agimus* was open from the 23rd May 2025 to the 4th June 2025. The complainant applied, with all the necessary supporting documents, on the 26th May 2025. It was not, however before late August of that year – on the 25th and 26th August 2025 to be precise – that the interviews were conducted by the selection board, with the complainant’s interview being conducted online. It was more that two months later, on the 4th November 2025, that the selection board submitted their final report to the H.R. Office of MCAST; and it was only on the 19th November 2025 that all the candidates were informed of the outcome of the selection process, and on the following day – 20th November 2025 – an employment offer together with a draft contract was sent to the highest ranked candidate. This was only accepted on the 8th January 2026, which must therefore be regarded as the day when the whole process was terminated.

5. While this long drawn out process is clearly unjust and wrong in principle for all the successful candidates – and this will be the basis of a recommendation – it does not, of and by itself, impinge on the procedural correctness and validity of the ranking process. As has already been adverted, above, the undersigned examined in detail the minutes of the interviews and the marks allocated (by subdivision on the score sheet) to all those who turned up for the interviews on the 25th and 26th August 2025. From this, the following picture emerges:

- i. of the 20 original applicants for the post, three withdrew their applications before the dates of the interviews were set;
- ii. another candidate did not turn up for the interview;
- iii. of the sixteen interviewed, one failed to obtain the required pass mark and was therefore not ranked;
- iv. of the fifteen ranked, the complainant was in fact ranked fifteenth, with the lowest obtained score (across the three interviewers) in ‘verbal communication’ and the highest in ‘over and above relevant working experience’.

6. From this careful examination, the undersigned can find or detect no evidence, direct or circumstantial, of anything untoward or irregular in the interviewing process and resultant ranking which can be said to fall foul of the provisions of sub-articles (1) or (2) of Article 22 of the Ombudsman Act.

7. There remains the question of the inordinate time taken for the conclusion of the recruitment process, as adverted in paragraph 5, above. The unreasonable time taken to conclude the process dovetails with the second leg of the complaint as outlined in paragraph 1. The complainant was justified in suspecting that something was wrong when his simple queries could not be properly answered precisely because the recruitment process was still in progress. The time taken – from the 4th June 2025 up to the 8th January 2026 is totally unreasonable not only for the complainant but for all the other applicants, particularly the runners up. It is unjust and wrong in principle, verging on the oppressive, to keep people’s lives and their expectations on hold for close to seven months. What is particularly worrying is not only the fact that the internal College rules appear to have no timeline (other than providing that “*Interviews should be ideally arranged not later than 15 working days from the closing date of the applications*” – in this case, of course, even this simple rule was not followed) (see email from the H.R.

Office to the undersigned of the 18th February 2026), but the cavalier attitude displayed by H.R. with the remark (in the same email of 18th February 2026) that:

“The period between mid-August to October is the busiest in terms of recruitment, as Institute Directors need to ensure sufficient personnel to cover the Academic Year. Priority is given to recruitment which needs to start in Semester 1 of the Academic Year”.

Surely it does not take or require rocket science for MCAST and particularly its H.R. Department to undertake some sensible forward planning and staggering to ensure that recruitment processes do not drag on for months, as happened in this case.

Conclusion

8. For all the above reasons, the complaint is allowed only to the extent that the recruitment process took unreasonably long in violation of Article (1)(a) and (d) of the Ombudsman Act, but dismisses the rest of the complaint. The undersigned recommends that the respondent entity undertake, as a matter of urgency, to ensure that its recruitment procedures be concluded within a reasonable and pre-set time from the closing date of applications.

Vincent A De Gaetano
Commissioner for Education

26 March 2026