

Annual Report 2012

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Ministry for Justice, Dialogue and the Family

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Corporate Services Directorate

OVERVIEW

The Directorate of Corporate Services (DCS) provides support services and advice to the Permanent Secretary and to the directorates, departments, commissions, organisations and entities within the Ministry on issues related to financial planning and management, procurement and office management. Moreover, it is in constant contact with the Human Resource Directorate with regards to people management. The Directorate coordinates activities of a corporate nature and seeks to achieve uniformity in implementing policy directives issued by the Office of the Prime Minister (OPM) and the Ministry of Finance, Economy and Investment (MFEI) as well as by the Ministry itself.

The Directorate is organised into the following units: Finance and Financial Reporting, Accounts Special Items, Contracts and Procurement, Office Management and Registry, Special Accounts, Social Security Accounts (Benefits), Reconciliation and Messengers Pool.

The functions and remit of this Directorate were reviewed in February of 2012 following the Cabinet reshuffle. This Directorate is highly involved in the submission of Business Plans and consulted with respect to the annual Capacity Building exercise.

FINANCE AND FINANCIAL REPORTING

The Finance & Financial Reporting Section continued to provide assistance to the Director (Corporate Services) and the Permanent Secretary with regard to financial management.

During the year, further attention was given to the statistical reporting of the financial management of the Ministry's portfolio. Monthly statistical breakdowns were drawn up covering Programmes and Initiatives, Contributions to Entities, Capital Vote items, Personal Emoluments and Operational and Maintenance Expenses items as deemed necessary. This statistical reporting was essential when drawing up the Monthly Revised Estimates in respect of the recurrent and capital expenditure. These breakdowns were regularly requested by a number of commissions and entities and hence accordingly submitted.

Both in June and December, this Section processed the payment towards about 400 persons who were entitled to the bonus due to Non-Government pensioners. Payments were also issued to the Department of Police *in lieu* of security services provided at 13 District Offices and other premises within this Ministry.

An initiative undertaken during 2012 was a thorough analysis of all contracts and direct orders awarded. A detailed database including financial transactions was set up and will remain an ongoing task according to termination and new awards of contracts. Furthermore, awarded calls for quotation, tenders, direct orders, variations exceeding 5% of the awarded contract and contracts for services issued by all contracting authorities within the Ministry were published in the Government gazette.

The Finance Section also contributed towards the drafting of the 2013 financial estimates of the Ministry. Business Plans submitted by departments and entities falling under the Ministry were analysed and a holistic report was drawn up for the Ministry of Finance.

ACCOUNTS AND SPECIAL ITEMS

This Section coordinated a number of important activities that fall within the remit of this Directorate amongst which a number of premises' rents and lease agreements within the Ministry. To this end, this Unit was actively involved in the preparation and finalisation of new or renewed lease agreements, in consultation with Ministry's legal counsel, in respect of the following premises:

- *Access Qawra* with Housing Authority, plus internal agreements with DSS and FSWS (all three new);
- B'Kara District Office with B'Kara Local Council (renewal);
- Cospicua premises with MHEC/Mount Carmel Hospital (new);
- Inspire (Bulebel) with Malta Industrial Parks/ME (new);
- *Innocenti* Programme with Richmond Foundation and the Archdiocese of Malta (renewal of non-rent contracts).

The compilation of a Contracts database was also started in 2012, whilst remedial action was taken for the crediting of VAT overpayments made previously to a private entity. Furthermore, the list of items of a historical or artistic nature, held by MJDF at the Ministry's and at the Permanent Secretary's Office, was reviewed following the Cabinet reshuffle.

Other tasks carried out by this Section included the review of policies in relation with the Home Internet Connection Facilities and the refund of travelling expenses – reimbursement for the use of privately owned cars.

EQUALITY MARK CERTIFICATION

The Corporate Services Directorate submitted an application, together with all the necessary documentation, to the National Commission for the Promotion of Equality. It was awarded the Equality Mark certification on 6th December, and was represented at an award ceremony held five days later. The Certification is based on evidence of the commitment to implement policies and practices to uphold gender equality and family friendly measures.

CONTRACTS AND PROCUREMENT

This Section dealt with all requests originating from the directorates, departments, commissions, organisations and entities within the Ministry. Eight Departmental Tenders were issued and a total of 1,101 local purchase orders amounting to circa €300,000 were processed. On a regular basis, various calls for quotations were issued and these included purchase of stationery items, cleaning material, toners and cartridges, drinking water, fixtures & furniture items and white goods. An expression of interest for a Travel Open Cover Insurance was also catered for.

This Section worked closely with the Maintenance Section and was thus highly involved in the opening of the new Msida ACCESS Centre, the refurbishment of Qawra and Cottonera ACCESS Centres and Social Security district offices particularly in the procurement and supply of requested materials and works.

Furthermore, records of all MJDF Government owned vehicles on the Fleet Management System were maintained and regular updating of inventories at DSS and DCS took place. In line with this, an exhaustive exercise was performed to clear stores and write off of unserviceable items. This Office was particularly involved when MJDF Minister moved to Palazzo Ferreria and the Minister for Education and Employment moved to its new premises in Strait Street, Valletta due to the inventory database reporting.

In addition, this Section planned and monitored carriage requirements, prepared 106 checklists of adjudicated tenders for Departmental Contracts Committee's consideration, continued to represent the Ministry in the Green Leaders network and executed directives in this regard.

OFFICE MANAGEMENT

During the year, this Section had the daunting task to cater for problems arising due to the aging equipment at Palazzo Ferreria. This was particularly reflected in the case of the three passenger lifts, the micro-processed air-conditioning system and the remote steel and glass canopies that cover the internal yards. This Section was also involved in pre-issue exercise of two main tenders namely, the cleaning tender covering MJDF – Social Policy (Palazzo Ferreria and satellite offices) and the tender to lease multi-function machines. Staff from this Office coordinated the Risk Assessment exercise carried out by consultants in this field at Palazzo Ferreria, ACCESS Valletta and Contracts & Procurement premises.

In coordination with the Manufacturing and Servicing Department – MRRA, all air-conditioning units (split unit type) at Palazzo Ferreria and other satellite offices were serviced. During the year, a considerable amount of faulty smoke detectors were replaced and the analogue fire panels were substituted with digital ones. This project was carried out in conjunction with the respective contractor. Other matters taken care of and in liaison with private contractors were the upkeep of the lightning protection system, the photo voltaic system and the diesel generators.

The Section was highly involved into the removing, replacing, relocation and installation of numerous electricity and water meters at MJDF – Social Policy in line with the smart meters project carried out by Enemalta Corporation.

SOCIAL SECURITY ACCOUNTS BENEFITS

The main tasks of this Section were two fold - Expenditure (Benefits) and Revenue (National Insurance Contributions).

During the year, payments made by Debit Advices amounted to circa €782.6 million. Moreover, about 500 schedules of payments and 100 multi-payments were forwarded to different Government Departments/Parastatal bodies and private companies in lieu of payment of sickness benefits due to employees falling on half pay. As regards Social Security pensioners living abroad, weekly payments were carried out either by direct credit or through Maltese Embassies. These amounted to circa €12 million.

With regards to revenue, close collaboration with the Inland Revenue Department took place in order to obtain electronically, information regarding National Insurance contributions collected. Daily updates were forwarded to the Inland Revenue Department. The amount collected, including State Contribution, amounted to circa €609 million.

SPECIAL ACCOUNTS

The Special Accounts Section compiled and verified the Arrears of Revenue report prior to submitting it to the National Audit Office and the Ministry of Finance. This Section also issued monthly Debtor's Statistics and also oversaw *write-off* and *cancelled* reports carried out by the Social Security Department. A priority of the Section was the collection of arrears of revenue.

Moreover, this Section supervised control of Treasury Books and oversaw weekly remittances to Bank. It also aligned overpayment data from Social Security District Offices and SABS lists and dealt with a number of queries originating from various Social Security benefits sections.

NAO queries concerning debtor's payments were also catered for by this Office. During 2012, the Section supervised and audited three new MITA/SABS reports: the *debtor's report*, the *write off report*, as well as the *cancelled report*. Other work carried out included occasional DAS Administrative (Benefits) work and helped in a MITA based exercise regarding input procedures.

RECONCILIATION

This main task of this Section was the reconciliation of all social security benefits transactions. Moreover, it also monitored and reconciled the issue of energy benefit vouchers. To this end, close liaising with Social Security, ARMS and local banks took place.

The below table indicates the amount of cheques, direct credit and energy benefit vouchers that this section had to process during 2012.

Cheques	ACRT Count	ENRG Vouchers	Total
579,724	1,257,821	129,120	1,966,665

JOHN DEGIORGIO
Director (Corporate Services)

Information Management Unit

OVERVIEW

Information, Communications and Technology (ICT) is one of the key resources within the Ministry for Justice, Dialogue and the Family (MJDF). It focuses on improving the way that MJDF uses technology as a sound and effective foundation for delivering its corporate objectives. The right approach to and proper investment in ICT gives MJDF the opportunity to transform the way it does business. Keeping this in mind, the primary focus of the Information Management Unit is the strategic direction and management of information by ensuring that data is translated into information as a strategic resource.

ADMINISTRATIVE SUPPORT

Responding to growing dependence on ICT entails the provision and maintenance of a resilient and reliable operations service in support of organisational objectives. The main priority is therefore to ensure that MJDF's investment in ICT solutions is adequately protected. This is done through effective contractual frameworks which are currently ongoing. This guarantees that agreed service delivery and support is provided in a cost-effective, secure and efficient manner.

Contractual arrangements cover the full spectrum of ICT services including network management, desktop support and application support/development. Getting the most from selected service providers and from the cost effective use of technology helps deliver efficiency savings and reduce costs, thus creating long-term cost-effective solutions.

The Administrative Support Unit (ASU) offers a first line of support for ICT services for all staff within the Ministry's portfolio. The ASU aims at serving as an ICT helpdesk in order to filter queries and requests forwarded by line departments, identifying the query or request. It also procures ICT items in order to assist line departments deliver services efficiently and effectively.

SOCIAL POLICY INFORMATION CENTRE (SPIC)

The Social Policy Information Centre (SPIC) is an information centre offering greater access to citizens for the provision of information related to Social Policy services. It is an additional channel through which the general public may obtain information.

At SPIC, we provide a telephony-based service offering all necessary and relevant information to all citizens of Malta and Gozo about social services and other services offered by departments and entities within the social policy portfolio. Our priority is to deliver an excellent service by making the user's phone call or request a positive experience, ultimately providing a faster and better answer.

BENEFIT PROCESSING AND DATA MANAGEMENT

Our priority is to offer a timely and smooth support service to the Department for Social Security (DSS) with regards to the processing and issuing of social security benefits as well as ensuring consistency and integrity of the data stored within the Social Security Benefits System (SABS).

Taking a proactive approach, we strive in proposing changes within those processes that can be automated or improved thus reducing the load on DSS line sections.

The focus in this area is on the processing and issuing of payments to beneficiaries entitled to social security benefits. In addition, correspondence letters are also issued to beneficiaries related to social security benefits. Our aim is to process benefits in an effective and timely manner keeping in mind that these benefits constitute a vital help to thousands of citizens. Payment processes are scheduled on a daily basis for different social security benefit payments due on a weekly, four weekly and quarterly basis.

The payment of such benefits is either made by cheque or paid directly to beneficiaries' bank accounts. This involves liaison with the local banks and the postal service due to the large amount of cheques and direct credits transactions. Each year, the number of social security benefits paid by cheque to beneficiaries, amounts to 600,000 payments. Moreover, those beneficiaries paid through direct credit payments total to over 1.1 million yearly, while correspondence letters issued to beneficiaries related to social security benefits amounts to 500,000.

ESTRATEGY

ICT increasingly offers opportunities in the delivery of public services. Customers' use and appreciate the convenience of online facilities. Hence, this gives rise to higher expectations for an even greater number of services to be made available online and for continued improvement on the existing ones. Expectations include the 'Anytime and Anywhere' theme, which also creates an anticipation that services will come to them and can be easily accessed from the comfort of their homes.

Based on the continued growth pattern over these past years, our response is the development of new and the enhancement of services available through the MJDF's portal - www.mjdf.gov.mt. The portal layout is based on the respective business areas and provides a very broad accessibility to the public. Our priority is that of providing solutions to enable the implementation of an increasing number of e-Government services thus enabling the delivery of personalised customer services.

Moreover, our commitment is that of providing information to the public. Through the website, it is ensured that its content is maintained, updated and of high standard at all times. As an ongoing task, the Information Management Unit seeks to enhance, identify and extend components of the existing sites, or seek specific business areas in order to offer new services through the website.

CLIFFORD SCHEMBRI
Chief Information Officer

HR Management Directorate (Social Affairs)

OVERVIEW

The Human Resources Management Directorate provides support services and advice to the Permanent Secretary, to the Directorates, line Departments and organisations/entities within the Ministry for Justice, Dialogue and the Family on issues related to HR and people management. It also ensures that the policies and procedures of the Public Service and relevant legislation are adhered to. Furthermore, the Directorate regularly assists internal and external clients providing support and information on an ongoing basis on a wide range of HR issues or as may be requested by central Government.

The Directorate coordinates activities of a corporate nature and seeks to achieve uniformity in implementing policy directives issued by the Office of the Prime Minister, the Public Administration HR Office as well as by the Ministry itself. The vision of the Directorate is to spearhead HR policies and practices that promote the well-being of employees and to improve the efficiency and service-delivery of its employees.

RECRUITMENT

Following the approval of vacancies emanating from the Capacity Building Exercise as well as ad-hoc requests, the Directorate issued a total of twenty-nine calls for applications through PAHRO. As from 15 November 2012, the issuing of calls for applications was delegated to line Ministries. The Directorate also facilitated a total of 208 Vacancy Requests Forms on behalf of the various entities falling under the Ministry's remit. This role of the Directorate is to process the VRF in line with RRAG and MFEI regulations.

Members of staff from within the Directorate were also nominated to sit on a number of selection boards. Contracts of Service for the positions covered by the respective calls were also drafted by this Directorate according to the templates provided by the Public Administration HR Office. Promotions and progressions of general service grades and departmental grades were also processed and deadlines were respected in the vast majority of the cases. In this regard, the accuracy and quality of the requested documentation is highly important.

The Directorate also assisted in the drafting of Contracts for Service, ensuring compliance with MFEI regulations. The Directorate also liaised with the Directorate for Corporate Services especially with respect to procurement regulations.

RECORDS

The Directorate is also responsible for keeping up-to-date records of employees. This includes updating of vacation and sick leave records, timely renewals of family-friendly applications in line with the central policy, and the processing of the Performance Management Programme. The Directorate has also consolidated and expanded the statistical data pertaining to employee absenteeism, leaves and family friendly measures. The info-share portal has been utilised as a platform to upload and update the data. This has ensured that a more coordinated and efficient approach is adopted with regards to data management.

DISCIPLINE

The Directorate's remit also includes the administration of Disciplinary Procedures. Emphasis on professional people management is promoted in order to try and instil in our staff good practices and raise awareness of and compliance with procedures and regulations. However, when needed, disciplinary action is taken in line with the parameters established in the Public Service Commission Regulations.

SALARIES AND REMUNERATION

Another major responsibility falling under the HR Directorate is the processing, computation and data management of the payroll of employees falling under our remit. Queries from staff are answered professionally and the section interfaces with the Treasury in Gozo and with the HR Management Systems Directorate in order to ensure the timely and correct computation of salaries. Following the coming into force of the Collective Agreement, Personal Record Sheets and other records were updated.

HR MANAGEMENT STAFF

The staff complement within the Directorate remained within the same level as the previous year. The Directorate holds regular staff meetings to review work practices with the aim of improving our service delivery. As part of the performance management plan, members of staff were encouraged to attend specifically selected training courses organised by the CDRT with the aim of improving their work performance and as part of their continuous professional development. A team building session for all the members of staff was also held.

TRAINING AND DEVELOPMENT

The HR Management Directorate continued to promote an organisational culture built on training and development by facilitating access to the programmes provided by CDRT particularly ESF funded programmes. The HR Management Directorate facilitated a number of meetings between a number of departments and CDRT to identify training needs of employees in particular areas, such as the social security area offices, and to select those training programmes which best suit their particular needs. Teambuilding sessions were also encouraged and a number of directorates and departments took up this opportunity.

EMPLOYEE SUPPORT PROGRAMME

Throughout 2012, the HR Management Directorate collaborated closely with the Employee Support Unit in order to promote this new service and to inculcate within our Ministry a culture of staff well-being and employee support. The Directorate also assisted in the dissemination of questionnaires as part of the Situation Needs Analysis (SNA) which was undertaken as part of this project. The Directorate also promoted and participated in a number of training initiatives which were organised for this purpose.

CHIARA BORG

Director HR Management

Policy Development and EU Affairs Directorate

INTRODUCTION

In 2012, the Policy Development and EU Affairs Directorate was entrusted with the task of coordinating the Ministry's response in EU and other international fora, as well as to contribute to the drawing up of policies in respect of matters pertaining initially to the Ministry of Education, Employment and the Family, and subsequently the Ministry for Justice, Dialogue and the Family, following the change in Ministerial portfolio.

As a result, in 2012, the Policy Development and EU Affairs Directorate monitored developments in the areas of employment, social affairs, education, youth and sport, up to 8 April 2012 and thereafter social affairs and justice, at both EU and international level, while also coordinating the formulation of Ministry positions in such areas, after holding consultations with relevant stakeholders. The Directorate also provided positions to other Ministries whenever required. Moreover, the Directorate coordinated the participation of Ministry officials in various conferences, meetings, and other events, taking place abroad. Of particular relevance was the participation in EU-related Ministerial Council meetings on Employment, Social Policy, Health and Consumer Affairs Council (EPSCO), and Justice and Home Affairs (JHA) Council, and the Informal Ministers' Council meetings organised by the Danish and Cyprus EU Presidencies.

Besides EU Affairs, the Directorate also dealt with matters relating to International Affairs, particularly in the areas of social affairs and justice. Many of the requests originated from the Ministry of Foreign Affairs and mainly referred to documentation sent from the United Nations and the Council of Europe.

With regards to Policy Development, the Directorate also incorporates within its structures the Research Unit and the Social Inclusion Office. The Research Unit, which started operations in January 2010, is entrusted with undertaking data and research analysis in the formulation of policy development related to social affairs. On the other hand, the Social Inclusion Office is a key component of social policy development and upholds the overall responsibility for the promotion of social inclusion issues in Malta.

EU AFFAIRS

Drafting of Positions

During 2012, the Policy Development and EU Affairs Directorate drafted or coordinated the drafting of 196 Instruction Notes for Working Parties, COREPER I and II, and Committees' meetings. In addition to this, the Directorate drafted 68 Briefing Notes, 26 Background Notes, and 52 Lines to Take/Speaking Notes in connection with participation in Ministerial meetings and conferences, bilateral meetings with the European Commission, and meetings attended by the Permanent Representative of Malta to the European Union.

Participation in Inter-Ministerial Committee

The Directorate actively participated in all the Inter-Ministerial Committee for EU Affairs meetings held in 2012. In this regard, the Directorate last year prepared a total of 19 Explanatory Memoranda outlining Government's position on new proposals and communications issued by the European Commission for which the Ministry for Justice, Dialogue and the Family, as well as the Ministry of Education, Employment and the Family prior to 8 April 2012, were the designated implementing Ministries. The explanatory memoranda were cleared by the Inter-Ministerial Committee for EU Affairs and subsequently approved by Cabinet of Minister before being transmitted to the Standing Committee on Foreign and European Union Affairs of the House of Representatives for its approval.

In addition to the above, the Directorate also provided its feedback in relation to numerous other Explanatory Memoranda for which the Ministry for Justice, Dialogue and the Family (previously Ministry of Education, Employment and the Family), were participating Ministries.

Hereunder, are other highlights of the Directorate's actions in 2012, in the area of EU Affairs.

Europe 2020 Strategy

Throughout 2012, the Policy Development and EU Affairs Directorate continued to monitor developments in EU discussions and provide its views when requested, as well as to hold consultation where necessary, with regards to Malta's national target on Social Inclusion and Poverty Reduction.

Transposition of Directives

The Directorate carried out extensive internal consultations leading to the transposition by Malta of Directive 2010/41 of the European Parliament and of the Council of 7 July 2010 concerning the principle of equal treatment between men and women engaged in an activity in a self-employed capacity. In fact, Legal Notice No 260/2012 entitled 'Equal Treatment in Self-Employment and Occupation (Amendment) Order, 2012' was published on 7 August 2012 to implement the provisions of EU Directive 2010/41.

Infringements

During the course of 2012, the Policy Development and EU Affairs Directorate coordinated Ministry response with regards to the following infringements:

- On 1 March 2012, Malta also received a Reasoned Opinion from the European Commission concerning Infringement No 2009/2161 on the alleged failure by Malta to apply Article 46b of Regulation (EEC) 1408/71 and Article 54 of Regulation (EC) No 883/2004 with regard to persons receiving a Maltese statutory social security pension and civil service pension from another EU Member State. In the reply sent on 16 June 2012, Malta presented its counter arguments insisting that the infringement proceedings initiated by the European Commission on the matter were unfounded;
- On 19 July 2012, Malta received a Pre-Infringement Memorandum from the European Commission concerning the transposition of Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services (EU Pilot 3736/12/JUST). In its reply on 30 August 2012, Malta informed the European Commission of the reasons why it considered that the Equality for Men and Women Act (Cap. 456) adequately ensures protection against gender identity discrimination in the field of access to goods and services;
- Following the coming into force on 20 July 2012 of Crimes against the Environment Act, 2012, implementing Directive 2008/99/EC into the Laws of Malta, the College of Commissioners on 26 September 2012 decided to close Infringement Proceedings against Malta (No 2012/0268) on the alleged non-transposition of Directive 2008/99/EC of the European Parliament and of the Council on the protection of the environment through criminal law.

Reasoned Opinion

By means of a Reasoned Opinion dated 21 May 2012, the House of Representatives informed the Presidencies of the European Parliament, the Council and the European Commission, that in its view the ‘Proposal for a Council Regulation on the Exercise of the Right to take collective action within the context of the Freedom of Establishment and the Freedom to provide services’ breached the principle of subsidiarity, as the European Commission failed to provide sufficient evidence on the need of having such EU legislation and the benefits that this would bring to Member States. The Policy Development and EU Affairs Directorate carried out consultations and contributed to the preparation of this Reasoned Opinion.

Attendance to EU Meetings

In 2012, officials from the Directorate regularly attended EU meetings of the Social Protection Committee, the Indicators Sub Group of the Social Protection Committee, the Working Groups on Social Services of General Interest, Age and Child Poverty, the latter three set up by the Social Protection Committee, the PROGRESS committee meetings, as well as other EU-related meetings and conferences.

During 2012, the Directorate also participated in two EU peer reviews, one on Combating Child Poverty and the other on Social Economy, held in Brussels, Belgium, on 20-21 September 2012, and in Paris, France, on 10-11 December 2012, respectively.

Moreover, the Directorate coordinated the participation of Malta’s delegations attending the 6th Equality Summit held in Nicosia, Cyprus, from 22 to 23 November 2012, and the Second Convention of the European Platform against Poverty and Social Exclusion held in Brussels, Belgium, from 5 to 7 December 2012.

INTERNATIONAL AFFAIRS

In 2012, the Directorate also coordinated the Ministry’s response to requests for information received from the Ministry of Foreign Affairs on United Nations’ Conventions and Protocols as well other international institutions of which Malta is a Member State, such as the Commonwealth and the Council of Europe, relating to such issues as women’s rights, empowerment and other equality matters, including on sexual and reproductive health and rights, children’s rights, migration and disability, and human rights. Similarly, whenever requested, the Directorate provided its feedback to the Ministry of Foreign Affairs in relation to meetings attended by representatives of this Ministry.

Towards the end of the year, extensive consultations were carried out by the Directorate in connection with the participation by the Ministry in the sixty-second session of the United Nations Committee on the Rights of the Child, taking place in Geneva, Switzerland, on 17 January 2013, to discuss Malta’s Second Periodic Report on the Implementation of the Convention on the Rights of the Child.

POLICY DEVELOPMENT

The Policy Development and EU Affairs Directorate coordinated the Ministry’s response towards the drawing up of the measures included in Malta’s National Reform Programme 2012 in respect of the Social Inclusion and Poverty Reduction national target. The National Reform Programme was published in April 2012.

During 2012, the Directorate’s Research Unit carried out the following key tasks in connection with long-term initiatives that required selection and analysis of data stored in different Government databases:

- Work on Malta's headcount national poverty reduction target in relation to the Europe 2020 headline target, that included addressing the technical issues encountered in combining and merging data retrieved from a number sources in collaboration with the National Statistics Office (NSO) and the European Union SILC team;
- Creation of a programme and set of logical criteria, in collaboration with the MITA team, in order to test the quality of annual and quarterly outputs on 2009-2010 social beneficiaries' data in response to a request received from the Organisation for Economic Co-operation and Development (OECD) and the European Commission;
- Work on a research project on: 'The Use of Family-Friendly Measures in Public and Private Sectors in Malta' which is being conducted in collaboration with the National Statistics Office (NSO).

Furthermore, the Research Unit also coordinated the Ministry's response in providing updated information to the Ministry for Tourism, Culture and the Environment (MTCE) in relation to Malta's Draft National Environment Policy (NEP) and the Strategic Plan for Environment and Development (SPED).

On the other hand, the main highlight of the work carried out by the Social Inclusion Office, which also forms part of the policy wing of the Directorate, was the drawing up of Malta's National Report on Strategies for Social Protection and Social Inclusion for 2012. This was approved by Cabinet of Ministers on 1 August 2012 and transmitted to the EU's Social Protection Committee (SPC) on 13 August 2012.

GEORGE SULTANA

Director (Policy Development and EU Affairs)

Programme Implementation Directorate

THE ROLE OF THE DIRECTORATE

In line with its mission statement, ‘To monitor, facilitate and report upon the implementation of various endorsed projects, measures and initiatives and provide quality support to all departments and entities falling within the Social Affairs remit of the Ministry’, during 2012, the Directorate pursued its commitment to:

- monitor and report upon the implementation of social affairs measures and initiatives emanating from the National Reform Programmes (NRP), the National Reports on Strategies for Social Protection and Social Inclusion (NSR) and the National Budgets; and
- promote, support and monitor the use of EU funds so as to maximise the benefits arising from such funding within the sphere of social affairs.

KEY TASKS UNDERTAKEN DURING 2012

In order to effectively fulfil its core functions, during 2012, the Directorate undertook the following key tasks:

- monitored the endorsed social affairs measures and initiatives arising from the NRP, the NSR and National Budgets;
- disseminated information regarding EU funding opportunities;
- provided guidance and support to facilitate the submission of project proposals for EU funding;
- oversaw the implementation of EU co-financed projects;
- verified the eligibility of all payment claims and monitored the disbursement of funds with regards to ESF and ERDF co-financed projects falling within the Ministry’s remit;
- facilitated effective communication between project leaders, project administrators and the relevant authorities; and
- provided feedback to EU documents mainly focusing on EU funding.

MONITORING OF ENDORSED SOCIAL AFFAIRS MEASURES AND INITIATIVES

During 2012, the Directorate continued to monitor and report upon the implementation of social affairs measures and initiatives arising from the National Reform Programmes (NRP), the National Reports on Strategies for Social Protection and Social Inclusion (NSR) and the National Budgets.

Whilst continuing to focus on a total of 167 measures emanating from these national documents for previous years, following the launch of these key documents for 2012, the Directorate embarked on the annual task of extrapolating those measures pertaining to the remit of the Ministry. A total of 198 measures (19 from National Budget, four from NRP; 175 from NSR) were identified from these 2012 national documents. Subsequent to the identification of these measures, the Directorate proceeded to establish which department or entity was responsible for their implementation. Once measure ownership was confirmed, the Directorate made the necessary arrangements for the establishment of milestones for each measure so as to ensure regular compilation of implementation status updates.

Bi-annual reports as well as ad hoc reports were drawn up so as to evaluate the progress made in these national measures and to address, where possible, any issues that could be hindering the smooth implementation of these initiatives, as planned on the basis of the originally agreed milestones. Such

updates, particularly those pertaining to the National Reform Programme, feed into the compilation of Malta's national status report that is co-ordinated by the Ministry of Finance, Economy and Investment.

DISSEMINATION OF INFORMATION RE EU FUNDING OPPORTUNITIES

Reaping maximum benefit out of the use of EU funds constitutes one of the core purposes of the Directorate. Throughout 2012, the Directorate always ensured that funding opportunities were brought to the early attention of all potential beneficiaries across the Ministry. Information and guidance were provided to all those who showed an interest in applying so as to facilitate the uptake of these funding opportunities. During 2012, the Directorate communicated announcements and information regarding a range of EU funding programmes which, besides European Regional Development Funds (ERDF) and European Social Funds (ESF), included the European Fund for the Integration of Third-Country Nationals (IF), the European Refugee Fund (ERF), Civil Justice Programme, PROGRESS, Territorial Cooperation Programmes, Norwegian Grant for Malta 2009-2014, ESPON and Twinning light/fiche opportunities.

GUIDANCE AND SUPPORT FOR THE SUBMISSION OF PROJECT PROPOSALS

During 2012, all applications for EU co-financing continued to be channelled through the Directorate. A total of 15 applications for such funding were reviewed so as to (a) check and confirm eligibility of project application with the respective operational programme prior to submission of such application; (b) ensure that there is no overlap between project proposals submitted by different entities within the Ministry; and (c) advise applicants regarding any clarifications or additional information that may be required so as to enhance the quality of the application.

OVERSEEING THE IMPLEMENTATION OF EU CO-FINANCED PROJECTS

Throughout 2012, the Directorate continued to closely monitor the implementation of the EU co-financed projects being carried out by the various Departments and entities falling within the Ministry's remit. The overseeing of these projects was mainly carried out through the compilation of reports that were drawn up on a monthly basis through liaison with Project leaders, vetting of the bi-annual Project Progress Reports, discussion in bilateral meetings, convening of Ministerial Project Steering Committees and participation in the Intermediate Body Steering Committees. Besides keeping regular track of disbursement and achievement of targets, through these channels, the Directorate kept itself well adjourned on the progress being registered with regards to the implementation of each project as well as any challenges or difficulties being encountered. Such monitoring thus facilitated early identification of issues that could hinder projects' progress and ensured that such matters were addressed in a timely manner.

VERIFICATION OF PAYMENT CLAIMS

The Directorate is committed towards facilitating and ensuring the proper disbursement of EU funds. Between January and March 2012, the Directorate vetted and processed all Invoice Status Certificates (including those pertaining to the education remit) of the then Ministry of Education, Employment and the Family.

Between January and December 2012, a total of 1,714 Invoice Status Certificates (ISCs) in respect of EU co-financed projects being implemented by the social affairs remit of the Ministry were vetted and submitted to Treasury. The aggregate value of payments effected by Treasury between 1 January and 31 December 2012 regarding social affairs projects amounted to €1,968,555.

FACILITATING EFFECTIVE COMMUNICATION BETWEEN PROJECT IMPLEMENTERS AND KEY STAKEHOLDERS

The Directorate considers effective communication to be a key contributor towards the proper, smooth and timely implementation of projects. In line with this philosophy, during 2012, the Directorate continued to liaise with such key stakeholders as the Department of Contracts, Treasury, the Planning and Priorities Coordination Division and the EU Funds and Programmes Division as and when necessary. Moreover, it also maintained regular contact with the respective Project Leaders and Project Administrators and provided them with ongoing support and advice particularly in the case of projects that were encountering some form of significant challenges.

PROVIDING FEEDBACK TO EU DOCUMENTS

During 2012, the Directorate's views and comments were often sought with regards to national and EU documents that concern the implementation of measures which feed into national targets as well as matters relating to EU funding. The Directorate invariably sought to provide timely feedback to such documents which included:

- Compromise texts on programming and thematic concentration
- Staff working document on the Common Strategic Framework
- Sustainable Development – EU funds
- Fund for European Aid to the Most Deprived
- Promotion of gender equality and gender mainstreaming in Cohesion Policy 2014-2020

WAY FORWARD

Whilst continuing to focus on its key functions and responsibilities, during 2013, the Directorate shall accord particular attention to the closure of projects that were EU co-financed under the 2007-2013 programming period and prepare for the launch of the next EU programming period covering up to the year 2020. In full recognition of the fact that successful implementation relies heavily on co-ordinated input, the Directorate shall continue to liaise closely with all stakeholders so as to ensure timely and comprehensive monitoring as well as maximum use of EU funds in the best interest of the various spheres covered by the remit of the Ministry.

DR MARISA SCERRI

Director (Programme Implementation – Social Affairs)

Benefit Fraud and Investigation Department

OVERVIEW

The Benefit Fraud and Investigation Department (BFID) was established late in 2005. It focuses its resources on investigating all reports of alleged abuse in Social Security benefits and on initiating investigative exercises to curb social benefit abuse.

SOURCES OF INFORMATION

As in the previous years, BFID continued to receive reports on alleged social benefit fraud from two main sources; the general public and the Department of Social Security (DSS). The general public is aware of the effective operations of BFID and has therefore continued to submit a large number of reports, most of which were anonymous. These reports were received by phone, including the freephone (80072345), through emails, through letters and other media. BFID has on its webpage the facility to submit on-line requests for investigation in Maltese and English. Staff from DSS also continued to submit a substantial number of Requests for Investigation on the template that was provided to them by BFID. During the year, BFID continued to take the initiative to identify other sources/trends where benefit fraud was suspected and to take appropriate action to curb such abuse. BFID regularly monitors closely all financial data that is uploaded on the SABS computer system operated by DSS. This data, which is obtained from the local financial institutions, is used to investigate, monitor and thereafter make recommendations to DSS to suspend the claims of those beneficiaries of non-contributory means tested benefits whose financial means exceed the applicable financial scales. Further investigations are then conducted in those cases where the claimants to such benefits register a sudden substantial increase in their financial assets.

COORDINATION

During the year, BFID continued to coordinate its operations with a number of Government departments/entities and with the private sector in order to obtain information that is considered critical for the conclusion of its investigations.

OPERATIONS

In 2012, BFID issued a fresh call for applications for the engagement of BFID Inspectors to fill in existing vacancies as by late February on-site inspections had to be suspended because the Department had only one Inspector in place. Four Inspectors were engaged in September and following training, on-site inspections resumed. As a result, the number of on-site inspections conducted by BFID Inspectorate in 2012 was 846, substantially lower than the average for previous years.

From the on-site inspections and from all other investigations conducted by BFID, 942 cases were concluded during the year. The operations of BFID during 2012 included two specific investigative exercises on social security beneficiaries. These exercises targeted Social Assistance beneficiaries. Of all the cases investigated by BFID during the year, 585 were not considered to be in breach of the Social Security Act (Cap 318).

BFID recommended to DSS that the remaining 357 cases which were considered to be in breach of the provisions of the Act be suspended and that any resulting overpayments be collected. Up to the end of December 2012, BFID had received full or partial feedback on the 548 cases that were evaluated by DSS and these resulted in the suspension of a total of 779 social benefits (vide table below). A number of these cases had more than one benefit in payment.

The estimated annual savings for 2012, collated from the feedback received from DSS, totalled €2,827,459.

Suspended Benefits	
Invalidity Pension	4
Supplementary Allowance	46
Child Allowance	74
Sickness Assistance	157
Social Assistance	181
Unemployment Assistance	111
Age Pension	58
Social Assistance – Single Unmarried Parent	51
Social Assistance Carers	3
Carers' Pension	2
Special Unemployment Benefit	10
Social Assistance Board	1
Allowance paid to Residents of a Therapeutic Community	1
Energy Benefit	80
Total	779

CONCLUSION

By the end of 2012, BFID had 509 cases pending investigation or conclusion. The Department was also analysing the feedback received from DSS on 468 cases.

It is estimated that during the period 2006–2012, the Benefit Fraud and Investigation Department contributed through its operations to savings amounting to €24,475,106.

RAYMOND MUSCAT

Director (Benefit Fraud and Investigation)

Department of Industrial and Employment Relations

MISSION STATEMENT

The mission statement of the Department of Industrial and Employment Relations is ‘to protect the interests of workers holding employment contracts while, in a spirit of social partnership, actively promoting a healthy relationship, and to contribute towards stable industrial relations’.

ACHIEVEMENTS

Employment Relations

Inspectorate Section

The Inspectorate Section carried out 757 inspections throughout the year covering 22,711 employees out of whom 1,656 were interviewed. During such inspections, a total of 161 irregularities were observed.

Officials within this Section dealt with an average of 17,503 enquiries regarding conditions of employment – both on the phone and through personal visits at the Office. Another 1,478 e-mails requesting information were received and answered with immediate effect. In most cases concerning outstanding dues and other irregularities in connection with contract of employment, rectification was effected through the Section Officers’ direct efforts. Other cases were followed up through court action. In this regard, a total of 80 monetary claims, amounting to €150,232.77 were issued whilst 589 cases each possibly including a number of irregularities were settled and another 35 unresolved cases were referred for legal action consideration.

The Inspectorate Section also processes Posted Workers Notifications; during 2012 a total of 438 notifications were received.

Terminations Section

Throughout the year, officials in the Terminations Section served a total of 343 claims against employers in Malta. The total amount for such claims amounted to €496,159.20. During the period under review, 172 cases amounting to €200,684.38 were amicably settled out of Court, as a result of the direct efforts of officers within this Section. A positive outcome in court action, during 2012, resulted in the collection of €279,695.18; however, these monies do not necessarily represent claims that originated in 2012.

Another 38 cases, amounting to €54,882.78 were closed on request of the claimant. A total of 178 requests were made to the police for prosecution whilst court hearings in Malta totalled 30. 19 appeals against Court judgements were made throughout 2012.

Employment Agencies

The number of Licensed Employment Agencies at the end of December 2012 was 65. During the period under review, 59 Employment Agencies renewed their licence. Five new Employment Agencies were granted a licence to operate as such while five Employment Agencies had their licence withdrawn. The total amount received as License fees amounted to €23,760.38.

The Section also coordinated closely with local newspapers who publish advertisements for the recruitment of personnel, by providing them with an updated list of Licensed Employment Agencies who are permitted to place advertisements on behalf of their clients for the recruitment of personnel. This initiative hinders unlicensed organisations from placing newspaper adverts for recruitment and assists them seeking formal registration.

Employment Relations Board

The Employment and Industrial Relations Act provides for the setting up of the Employment Relations Board. During 2012, the Board held five meetings and discussed various issues relating to employment and labour conditions such as precarious work, the employment status, transfer of business and employment of young persons.

During these Board Meetings, various draft legal notices prepared by the department's officers and forwarded to the Board by the Minister responsible for industrial and employment relations were also discussed and forwarded to the Prime Minister for his consideration.

Following this consultation process, the following 12 Legal Notices were published:

- Employment Status National Standard Order (L.N. 44 of 2012)
- Extension of applicability to Service with Government (Employment Status) Regulations (L.N. 45 of 2012)
- Overtime Regulations (L.N. 46 of 2012)
- Employment Status National Standard (Amendment) Order (L.N.110 of 2012)
- Young Persons (Employment) (Amendment) Regulations (L.N.257 of 2012)
- Protection of Maternity (Employment) (Amendment) Regulations (L.N.258 of 2012)
- Organisation of Working time (Amendment) Regulations (L.N. 259 of 2012)
- Transfer of Business (Protection of Employment) (Amendment) Regulations (L.N. 363 of 2012)
- Employment Status (Amendment No. 2) National Standard Order (L.N. 364 of 2012)
- Transfer of Business (Protection of Employment) (Amendment No.2) Regulations (L.N.467 of 2012)
- National Minimum Wage National Standard Order (L.N.491 of 2012)
- Wage Increase (Employees) National Standard Orders (L.N. 492 of 2012)

Industrial Relations

Conciliations and the Settlement of Trade Disputes

The Department always strives to take an increasingly more proactive approach towards the settlement of trade disputes to the mutual satisfaction of both the Enterprise and the Union involved. This mediation in the field of industrial unrest has largely contributed towards an increasingly stable industrial climate, avoiding strikes and other costly forms of litigation. The Department intervened on 56 occasions throughout the year. Agreement was successfully reached in 49 cases, one case was referred to the Industrial Tribunal, while such agreement failed to be reached in only six cases.

Industrial Tribunal

The Industrial Tribunal is an independent tribunal, set up in terms of the Employment and Industrial Relations Act and has a variable composition established by the law, depending on the nature of the case. This is either of a Chairperson (who is selected by rotation from a panel of Chairpersons) alone, or a Chairperson and two members, one selected from a panel of persons representing employers' interests, and the other from a panel of persons representing the trade unions. The Department provides administrative support services for the Industrial Tribunal, to ensure its proper functioning.

Throughout 2012, 80 new cases of alleged unfair dismissals and 18 other cases of alleged discrimination/harassment/victimisation were received. 11 cases of trade disputes were also introduced.

The Industrial Tribunal disposed of 105 cases of alleged unfair dismissals, five cases of alleged discrimination/harassment/victimisation and ten cases referring to a Trade Dispute. The Industrial Tribunal also disposed of another two case introduced in terms of other provisions of the Employment and Industrial Relations Act.

There were 249 pending cases on 31 December 2012 of which 176 refer to alleged unfair dismissal.

Industrial Actions

During 2012, two strikes were recorded involving around 565 workers and resulting in around 90 man days lost. Another industrial action involved a lock-out which affected seven employees and resulted in 336 man days lost.

Collective Agreements

Article 5(2) of the Employment and Industrial Relations Act states that where conditions of employment are prescribed in a collective agreement, the employer is obliged to send to the Director of Industrial and Employment Relations an authenticated copy of said agreement, within fifteen days of signing. In accordance with this article, the following agreements between industrial establishments and trade unions were registered at the Department during 2011:

New Collective Agreements	7
Renewals/Extensions	36
Side Agreements/Addendums	Nil
Amendments	Nil

This table shows the number of Agreements between industrial establishments and trade unions registered at the DIER in 2012

Registrar of Trade Unions

On 1 January 2012, there were 31 registered trade unions and 19 employers' associations.

During this period, two trade unions and one employers' association were registered, and three trade unions, and four employers' association were cancelled.

Thus, on 31 December 2012, the Register of Trade Unions was composed of 31 trade unions and 15 employers' associations. 12 verification exercises for union recognition were also carried out.

OTHER ACTIVITIES

Guarantee Fund Administration Board

The Employment and Industrial Relations Act (Cap. 452) and the Guarantee Fund Regulations (L.N. 432 of 2002 as amended by L.N. 444 of 2004, 413 of 2005, 427 of 2007 and 445 of 2011) provides for the setting up of the Guarantee Fund Administration Board. This Board is composed of the Director of Industrial and Employment Relations who acts as Chairperson, four representatives of employees and four representatives of employers who are appointed on the Employment Relations Board, a member nominated by the Minister of Finance, the Chairperson of the Employment and Training Corporation and a person appointed by the Minister who shall be a member of the legal profession. The Guarantee Fund is endowed with a fund to be utilised, at the Administration Board's discretion, to guarantee payment of valid claims for employees' outstanding wages when the Administration Board is satisfied that the employer has become insolvent.

During 2012, no claims were received and thus, no sittings of the Administration Board were held. In accordance to Regulation 6(7) of the Guarantee Fund Regulations, an audit exercise by a qualified auditor was undertaken to review the Board's financial statements for 2011. To date, the balance of this fund stands at €477,882.80.

Participation in Events & Publication of Online Journal

The DIER participated in two major events in 2012 by setting up information stands to provide knowledge and guidance to visitors and other participants on industrial and employment relations. In October it participated in the Foundation for Human Resource Development (FHRD) one-day Annual Conference at the San Ġorġ Corinthia Hotel in St. Julians. In late November, the DIER hence, participated in the Business and Careers Forum at the University of Malta organised by the University Students' Council where an effort was made to inform students of basic rights in employment arising from EIRA. In December, a Leaflet Stand Holder was also installed for permanent exhibition at MCAST thereby facilitating the availability of informational leaflets published by the DIER on different aspects of employment, namely Hours of Work, Leave, Maternity Leave, Fixed-Term Contracts, Telework, Part-Time Employment, Young Persons in Employment and Termination of Employment.

In 2012, four different editions of the online departmental journal *I Review* were also published comprising interesting and well-researched articles on different aspects relating to labour law and industrial relations

Self-Employed (Loan) Scheme

The process of recouping funds from persons who had applied for, and benefited from, the Self-Employed Loan Scheme was continued. For the year under review €8,094.35 were recovered. Whilst in December 2011, judicial letters were sent to all defaulters who fell back on their payment as per Article 466 of the Code of Organisation and Civil Procedure, in 2012 further reminders were sent to such defaulters.

NOEL VELLA

Director (Industrial and Employment Relations)

Department for Social Welfare Standards

OVERALL OBJECTIVE

The overall objective of the Department for Social Welfare Standards is to improve quality and standards in social welfare services to protect and enhance the dignity, safety and welfare by:

- promoting the development of social welfare standards through ongoing consultation and collaboration, in a spirit of dialogue;
- regulating social welfare services in order to protect the dignity, safety and welfare of all persons using these services;
- ensuring the implementation of established standards, so as to improve social welfare service delivery and enhance the quality of life of service users.

WELFARE SERVICES ASSESSMENT UNIT

In 2012, the Welfare Services Assessment Unit conducted 14 on-site inspection visits to prospective child day care facilities to assess the suitability of new premises and processed 17 temporary registrations. In line with the monitoring process requested by this Department in the National Standards for Child Day Care Facilities (2006), in 2012 DSWS carried out compliance assessments in fifty-five⁵⁵ registered child day care facilities for children 0-3years. As per Legal Notice 54 of 2008 the Welfare Services Assessment Unit also processed applications of facilities requesting to be registered as educational establishments.

The Welfare Services Assessment Unit received and investigated five complaints all related with registered child day care facilities. The Welfare Services Assessment Unit Assessors carried out announced and unannounced inspection at these facilities and investigated the complaints made.

With reference to Standard 1 (1.1.1) of the National Standards for Child Day Care Facilities (2006), the Welfare Services Assessment Unit worked in close collaboration with the Research and Standards Development Unit to draft occupational standards for the childcare workforce. The draft occupational standards were presented to the Malta Qualification Council and Ministry for approval.

During 2012, the Welfare Services Assessment Unit assessment team formulated an inspection process for 2012, the team held various meetings and finalized its inspection process when assessing and monitoring compliance of child day care facilities registered with Department for Social Welfare Standards. A new inspection process was applied in 2012.

The Welfare Services Assessment Unit assessed four applications for accreditation from prospective adoption agencies as per the Adoption Administration Act (2008). On behalf of the Central Authority, Welfare Services Assessment Unit processed and concluded the assessment and vetting of four applications.

Since the Foster Care Act was enacted in 2007, the Central Authority received one application for accreditation of a fostering service, namely the Fostering Service of Aġenzija Appoġġ. In 2012, the Welfare Services Assessment Unit reviewed the accreditation process.

In March 2012, this Department organised a stakeholders' meeting with all the relevant stakeholders involved in the out-of-home care of children who cannot live with their family of origin. The aim of said

meeting was to discuss how stakeholders involved can start working on the implementation of the national standards for out-of-home child care (2009). Late in the year, the department received the go-ahead from Ministry to commence work on the Occupational Standards for OOH carers.

THE RESEARCH AND STANDARDS DEVELOPMENT UNIT (RSDU)

In 2012, the Research and Standards Development Unit was actively involved in setting up Standards and/or Guidelines for childcare services, children's indoor play areas, and out-of-home care, services that cater for people with Addictions and services related to the Adoption of children. These Occupational Standards were launched for public consultation on 4 May 2012.

Towards the latter part of 2011, the Research and Standards Development Unit launched a workforce mapping exercise with a twofold aim. The data collection for the workforce mapping exercise was concluded in 2012, by which the Research and Standards Development Unit received the required data about 57 persons working in the field.

Towards the end of 2012, the Research and Standards Development Unit started liaising with the National Commission for the Abuse of Drugs, Alcohol and other Dependencies and the National Commission for Further and Higher Education regarding the establishment of minimum MQF level qualifications that should be held by Care Workers and Managers within residential services that cater for people with addiction.

The Adoption Administration Act (2008) established the Central Authority as a regulator of Adoption Services, giving the Central Authority the right to establish and enforce 'standards, criteria and procedures'. The Research and Standards Development Unit put together a working group consisting of various stakeholders in the field, whose remit was to discuss the Scottish National Standards of Care - Adoption Services and adapt them to the local context. The working group convened in April 2011 and developed a draft set of Standards by mid-2012. These draft standards were forwarded to the Minister for Justice, Dialogue and the Family accompanied by several suggestions for amendments of the laws surrounding the adoption process.

Towards the end of 2011, the Research and Standards Development Unit launched a mapping exercise in the field of out-of-home care. The aims of this exercise were multi-fold: to map out the service delivered by the existing homes, as well as to identify the different job roles that exist within the children's homes and to identify the qualifications, training and work experience held by persons working within such services. This information provided further background on the present situation in children's homes with regard to Standards 7 and 9 of the National Standards for Out-of-Home Care. The workforce mapping exercise was completed in 2012, when an internal report on the data collected was drafted.

The Research and Standards Development Unit issued guidelines on writing a statement of principles and objectives (SPO) for the field of out-of-home care. It also started working on guidelines on assessing the content of the Manual of Policies and Procedures. These guidelines will help Assessors within the Welfare Services Assessment Unit in their assessments of Policies and Procedures established in children's homes.

Using the information collected in the above-mentioned mapping exercise, the Research and Standards Development Unit started working with the National Commission for Further and Higher Education regarding the establishment of minimum MQF level qualification requirements, and corresponding Occupational Standards, for persons working in children's homes, namely Residential Child Care Workers and Managers.

In 2012, the Research and Standards Development Unit developed a database which holds information regarding the abduction cases which the Central Authority and it is responsible for managing and updating this database. With the coming into force of the Protection of Minors (Register) Act, 2010, the Research and Standards Development Unit was asked to carry out desk research on the way that similar legislation is

implemented in other countries. The Research and Standards Development Unit was nominated to participate in a technical committee whose remit was to develop Standards for Play Areas for Children. Throughout 2012, the Research and Standards Development Unit received the various requests for data and/or feedback on a wide variety of topics. The Unit hosted two interns in 2012.

ERDF SECTION

In 2012, the Project Leader organised and chaired two Intermediary Body Steering Committee meetings. During these meetings update of the Scheme was given and issues encountered with were discussed. The Project Leader attended Bi Lateral Meetings, IMCC Meetings and other meetings which were organised by Line Ministry and Priorities and Planning Coordination Division from time to time and carried out On the Spot Checks. The current Project Administrator was recruited on 21 May 2012. The amount of €124,228.43 was reimbursed to Beneficiaries in 2012. Four Beneficiaries, three from Call 1, one from May Call 2011 and three from October Call 2011 terminated projects and received all the funds.

CENTRAL AUTHORITY FUNCTIONS

In 2012, the Central Authority accredited four adoption agencies according to the Adoption Administration Act, Cap 495 of the Laws of Malta and is working on two draft adoption agreements with the Philippines and Russia. It has also initiated contact with China, Czech Republic, Colombia and Sri Lanka about the possibility of initiating adoption procedures with these countries.

Throughout the past year, the Central Authority also dealt with three investigations related to adoption processes not in line with standard procedures. A circular was also sent to Health Authorities, Church Authorities and Chamber of Advocates with the aim of increasing awareness about the illegality of private adoptions. Together with the Welfare Services Assessment Unit, the Central Authority assisted a number of adoptees who have now reached the age of 18 years of age to trace their biological family.

During 2012, the Central Authority dealt with the following abduction/access cases: three incoming abduction requests, six outgoing abduction requests, two incoming access requests, and two outgoing access requests.

Cases brought forward from 2011: one incoming access request, two incoming abduction requests and two outgoing abduction requests.

In 2012, the Central Authority sent two application requests for maintenance enforcement under Council Regulation 4/2009 to France and Germany respectively, and received two incoming applications under Council Regulation 4/2009 from Poland and Austria. The Central Authority also collaborated with Ukraine on one case under the Child Protection Convention of 1996.

SANDRA HILI VASSALLO
Director (Social Welfare)

Department of Social Security

OVERVIEW

The Department of Social Security is responsible for the administration of Social Security Legislation which provides for the payment of benefits under the contributory and the non-contributory schemes. These schemes cover the entire population which is in some way recipient of such benefits. The Department is mainly involved in ensuring that financial support is given to those sections of the community which are mostly in need, namely those with a low-income, the sick, the elderly and the unemployed.

TOTAL PAYMENTS

The total expenditure on Social Security benefits for 2012 reached €782.6m, reflecting an increase of €54.5m over the previous year.

The following table shows the expenditure on all Social Security benefits payable under the Social Security Act, (Cap. 318) during 2012. This table comprises the contributory and the non-contributory benefits issued by the department.

Type of Benefit	2011 Actual €	2012 Provisional €	(+or-)
Pensions in respect of Retirement	367,721,401	395,780,261	28,058,860
Pensions in respect of Invalidity	26,692,511	25,042,675	-1,649,836
Pensions in respect of Widowhood	104,891,402	115,432,362	10,540,960
Benefit in respect of Industrial Injuries	1,388,835	1,524,653	135,818
Benefit in respect of Unemployment	2,204,170	2,336,819	132,649
Children's Allowance	36,967,024	39,929,602	2,962,578
Maternity Benefit	2,259,895	2,552,367	292,472
Sickness Benefit	6,444,522	6,963,126	518,604
Orphan's Allowance	72,852	*91,861	19,009
Marriage Grant	790,944	875,084	84,140
Bonus	48,694,470	54,348,447	5,653,977
Total	598,128,026	644,877,257	46,749,231
Pensions in respect of Age/Visually Impaired	19,974,198	20,459,813	485,615
Pensions in respect of Disability	10,524,223	11,174,520	650,297
Social Assistance	64,834,478	69,216,928	4,382,450
Handicapped Child Allowance	727,931	744,144	16,213
Medical Assistance	17,296,361	19,179,755	1,883,394
Bonus	9,794,721	10,301,474	506,753
Supplementary Allowance	6,714,719	6,620,654	-94,065
Total	129,866,631	137,697,288	7,830,657
Grand Total	727,994,657	782,574,545	54,579,888

New Social Security Measures

The Department was responsible for implementing a number of measures, most of them announced in the 2012 budget.

Pensioners in receipt of a social security pension were once again awarded the full cost of living as in the previous year with a 2/3 increase in the pension weekly rate and the remaining 1/3 paid as a cost of living bonus at the start of the year. Approximately 81,000 pensioners were entitled to this cost of living bonus.

Persons who reside in their own residence or with relatives started to benefit from the Senior Citizens Grant amounting to €300 per year effective from their 80th birthday.

Another €200 from one's service pension, bringing the total amount to €1,066, is no longer considered in the assessment process of the social security pension entitlement.

Another measure introduced during the year was aimed at ex-members of a religious community which gave them the option to settle any unpaid Social Security Contributions for the period when they formed part of the religious community.

With effect from January 2012, the rate for self-employed farmers and breeders was reduced from 12% to 10% of the income declared with a minimum rate of €18.16 and a maximum rate of €37.85.

Contributory Scheme

The total revenue collected during 2012, in terms of the Social Security Act (Cap 318) amounted to €606,330,379 which reflects an increase of €20,739,099 over the previous year.

These figures are broken down in the following table:

Type of Contributions	2011	2012	(+ or -)
	(Actual)	(Provisional)	
Class I - Contributions in respect of Private Industry	271,614,551	279,971,623	8,357,072
Class I - Contributions in respect of Government Employees	82,883,590	86,430,791	3,547,201
Class II - Contributions by Self-Employed persons	34,893,949	36,298,271	1,404,322
Further Contributions	1,503,145	2,279,351	776,206
State Contribution	194,696,045	201,350,343	6,654,298
Total	585,591,280	606,330,379	20,739,099

Contributory Pensions

The number of live Contributory Pensioners at the end of 2012 reached almost 82,000. Here the upward trend in the number of pensioners, especially the new retirees continued with a net increase of 1.71% being recorded in the number of retirement pensioners over the previous year.

The following table shows the number of persons in receipt of a Contributory Pension at the end of 2012.

Type of Benefit	2011	2012	+ or -
Retirement Pension	9,239	8,277	-962
Increased Retirement Pension	2,775	2,139	-636
National Minimum Retirement Pension	8,793	8,858	65
Decreased National Minimum Pension	117	115	-2
Increased National Minimum Ret. Pension	3,040	3,095	55
Two-Thirds Pension	34,653	37,136	2,483
Invalidity Pension	658	512	-146
Increased Invalidity Pension	213	176	-37
National Minimum Invalidity Pension	4,973	4,514	-459
Decreased National Minimum Pension	9	6	-3
Widow's Pension with Service Pension	400	333	-67
National Minimum Widow's Pension	8,169	8,249	80
Widow's Special Allowance	0	0	0
Widow's Benefit	0	0	0
Widow's Allowance	0	0	0
Early Survivor's Pension	1,963	1,843	-120
Survivor's Pension	5,901	6,253	352
Disablement Pension	316	308	-8
Orphan's Allowance	15	18	3
Parent's Allowance	0	0	0
Total	81,234	81,832	598

Short-Term Benefits

During 2012, the Short-Term Benefits Section dealt with a total of nearly 150,000 claims, an increase of 3.1% over 2011. The following table provides a breakdown of these claims:

Type of Benefit	Number Of Claims		
	2011	2012	+ or -
Sickness Benefit	120,977	124,888	3,911
Unemployment Benefit	17,251	17,440	189
Special Unemployment Benefit	985	935	-50
Injury Benefit	2,899	3,053	154
Marriage Grant	3,293	3,610	317
Total	145,405	149,926	4,521

Children's Allowances and other Family Benefits

During the year 2012, the Children's Allowance section reviewed all the Children's Allowance claims that were in payment with a view to establish the new Children's Allowance rates for the benefit year starting July 2012. The number of household in receipt of Children's Allowance benefit at 31 December 2012 was 43,541. A further 2,136 cases were adjusted during the year, while 1,710 new claims were submitted.

Apart from the above, 2,025 Maternity Benefit claims and 1,361 Maternity Leave Benefit claims were received and processed by the end of 2012.

The following tables provide some statistical data for these payments during 2012:

CA for household with income less than €23,983	No. of Families
(i) One eligible child	12,339
(ii) Two eligible children	7,305
(iii) Three eligible children	1,812
(iv) Four or more eligible children	516
Total	21,972

CA for household with income more than €23,983	No. of Families
(i) One eligible child	11,209
(ii) Two eligible children	8,640
(iii) Three eligible children	1,483
(iv) Four or more eligible children	237
Total	21,569

Other Benefits	No. of Families
Maternity Benefit	2,025
Maternity Leave Benefit	1,361
Disabled Child Allowance	2,025
Total	4,162

Non-Contributory Scheme

The number of persons in receipt of non-contributory Age, visually impaired, mentally/severely disabled, and carer's pension/allowance paid under the Act increased by 1.63% when compared to the previous year as shown in the following table:

Type of Pension/Allowance	No of Beneficiaries as on 31.12.2011	No of Beneficiaries as on 31.12.2012	+ or -
Old Age	4,956	5,007	51
Visually Impaired	197	212	15
Mentally/Severely Disabled	2,313	2,391	78
Carers	159	141	-18
OAA	0	0	0
Total	7,625	7,751	126

Social, Medical Assistance and Supplementary Allowance

There was a marginal increase of 0.28% in the number of beneficiaries when compared to the previous year. The number of such beneficiaries remained just over the 58,000 mark.

The following table shows the number of households benefiting from Non-Contributory assistance paid under the Act.

	Number of Beneficiaries as on 31.12.2011	Number of Beneficiaries as on 31.12.2012	+or-
Unemployment assistance	5,777	5,762	-15
Social Assistance*	11,795	11,965	170
Sickness Assistance	13,746	13,639	-107
Milk Grant	134	111	-23
Leprosy Assistance	42	35	-7
Tuberculosis Assistance	0	0	0
Supplementary Allowance	26,590	26,734	144
Total	58,084	58,246	162

*Social assistance means SA/SAF/SUP/DAD

District Offices' Reform

A major reform got underway in 2012, which led to the restructuring of district offices and appointments of Regional Coordinators and District Managers. The continuing expansion of the Department has seen its business activities spread across the mainland. This naturally imposed entirely new demands on the Department's services and challenges to managing the operations staff. The most important feature of this reform is the Regionalisation of the District Offices. While all District Offices remain an integral part of the Department, they are now operating on a regional basis, both in terms of management of resources as well as to the provision of service.

The number of full-time opening District Offices (called parent offices) in the mainland were downsized to 16 with the remaining five offices (called satellite offices) opening daily but on shorter schedules of five to six hours daily. Furthermore, basic customer care service, besides that from Gudja, was extended through another seven Local Councils. The table below explains the plan visually.

Parent District Offices opening full-time	Satellite District Offices	Customer Care Service offered by Local Council
Żebbug Rabat Qormi Żurrieq	Siggiewi Luqa	Attard
Żabbar Birgu Paola Żejtun	Fgura	Gudja
Hamrun Valletta Sliema Msida	Marsa San Gwann	Pembroke
B'Kara Balzan Mosta Qawra	Naxxar	Gharghur Mellieha St. Paul's Bay

The District Offices across the mainland were divided into four clusters. The clusters consist of four parent offices and one or two satellite offices. This organisational set up was necessary due to

geographical issues as well as taking into consideration the size of the catchment area and its social demands.

These clusters are grouped under four regions – North, South, Inner Harbour West and Inner Harbour East. With regards to the Local Councils from which the Department is offering basic customer care service, this is currently being offered from Attard, Gudja, Pembroke, Gharghur, Mellieħa, St. Paul’s Bay, Xagħra and Għarb. The customer care service from the other Local Councils is planned to start in the future.

The Department’s International Obligations

As part of its substantial international obligations, stemming primarily from Malta’s membership in the EU, as well as the bilateral agreements it has with Australia and Canada, the Department received 455 pension claims for a Maltese pension from persons not living in Malta and 566 pension claims for a foreign pension from persons living in Malta during 2012, as shown in the following table.

2012	Incoming	Outgoing
UK	60	154
Australia	306	259
Canada	30	121
Other	59	32
Total	455	566

Staff

During 2012, the staff complement of the Social Security Department increased by five persons when compared to that of 2011, including, those members of staff seconded from IPSL, as shown in the following table:

	31.12.2011	31.12.2012
General Service Grades	232	251
Industrial/Messengerial	55	41
IPSL	14	13
Total	301	305

JOSEPH CAMILLERI
Director General (Social Security)

Courts of Justice Department

SUPPORT SERVICES DIRECTORATE

HUMAN RESOURCES SECTION

Training and Development

During 2012, Courts of Justice employees from the three Directorates were encouraged to attend courses organised by the Centre for Development, Research and Training (CDRT). Employees attended various courses related to IT, management, communications, handling stress and others.

FINANCE SECTION

Capital Expenditure

This category included two items namely Improvement Works and Equipment and Premises for the Judiciary. Total Capital Expenditure in respect of the Improvement Works Item amounted to €200,000, which included payments made for the building of offices on the fourth floor, new lifts at Family Court, a walk through metal detector and other capital expenditures. Expenditure under the Premises for the Judiciary amounted to €82,682 which was spent on the first phase of the chambers of the Judiciary project.

Revenue

The collection of Revenue over the preceding year once again increased. A positive trend was maintained during the year when by the end of December, revenue was €496,602 more than last year for the same period. The following table indicates this variation in Revenue collected in 2012 with that of the preceding year.

ITEM	2011 JAN-DEC €	2012 JAN-DEC €	DIFFERENCE (2012 < 2011) €
253 FINES	2,092,910	2,278,314	185,404
318 FEES	3,809,970	4,119,116	309,146
349 MISC	492	2,544	2,052
TOTAL	5,903,372	6,399,974	496,602

Several efforts were also made to recoup outstanding dues to Government whereby 106 Garnishee Orders were issued. Through this initiative, €93,042 were collected. Apart from these Garnishee Orders the Revenue Section issued 1,360 requests for payment and 132 legal letters from which €290,784 were collected.

OPERATIONS SECTION

Procurement Initiatives

Works on the first phase of the building of the new Judiciary Chambers were completed by December. Concurrently, two tenders for the architectural finishing and restoration works and for the services installation were published. The tenders were awarded and the relative orders to start works were issued in December.

The new offices at the fourth floor of the Law Courts were finished and completed by end of year and a call for tenders for the procurement of the related furniture was issued and awarded in December.

Two duplex passenger lifts at the Family Court were installed and commissioned and another two passenger lifts leading to the Conference Room and Hall 22 within the main Law Courts are nearing commissioning by early January 2013.

IT SECTION

New Data Centre at the Main Courts Building

Following the award of the tender and the signing of the contract in respect of this project, works started in late January 2012 and were finalised in June 2012. Total expenditure on the new data centre project amounted to €55,903.

New OA Server at the Courts of Justice

After several years of utilising an old NT server with old technologies, action was taken for the installation of a new server. This new setup allows the use of the new data centre for the primary server while the new MITA Network Operations Centre in St. Venera housed our secondary server. This allows for a redundant system which means that in case of an unexpected down-time the system can route to the secondary server and business can commence in a matter of minutes.

Free Open Wi-Fi Service

A Department Tender for WI-FI service was issued with the project focusing on service rather than supply of hardware devices and an internet filtered service. WI-FI service was operational in June. The cost relating to the setting up, installation and commissioning of this service was €40,800.

Digital Audio Recording in the Halls

After installing digital audio recording in 15 Halls in 2011, this year installation of the same system was carried out in the remaining nine Halls by March 2012. Total cost of the system was €21,969.44.

CIVIL COURTS AND TRIBUNALS DIRECTORATE

SCANNING OF JUDICIAL ACTS

In 2012, it was decided to launch a pilot project of scanning of judicial acts related to cases filed in the Court of Magistrates (Civil) and also that all judicial acts related to such cases were to be scanned, including acts presented during a court sitting. The scanning of the judicial acts commenced on 1 July, 2012.

THE DIARY SYSTEM

The Diary System was adopted in the Civil Courts and Tribunals on 1 October, 2012. The Diary System enables the Court, when adjourning a case for hearing, to defer it to a specific date and time which is suited to the lawyers of both parties. Through the operation of the Diary System hearings of cases are now moving at a speedier and more efficient pace, thereby shortening the time span it takes for a case to be determined.

OTHER ACTIVITIES

An officer from the Directorate attended the Xth Session of the Maltese-Tunisian Mixed Commission in Tunis, as part of the delegation from the Ministry of Justice, Dialogue and the Family, in her capacity as coordinator in terms of the Administrative Cooperation Agreement in the Field of Justice.

CRIMINAL COURTS AND CRIMINAL TRIBUNALS DIRECTORATE

ASSET MANAGEMENT UNIT (AMU)

By means of Legal Notice 7 of 2012, the responsibility for the compilation of a report of assets retained by an accused, following an Attachment Order, was put in the hands of the Registrar of Courts.

During this year, no less than 43 freezing reports had to be prepared by this section with 225 personalised letters/emails sent for each case, amounting to 3,375 letters in total.

INTERPRETATION AND TRANSLATION OF COURT PROCEEDINGS

On 20 October 2011, the European Parliament and the Council of the European Union issued a Directive on the right to interpretation and translation in criminal proceedings. This Directive will come into force on 27 October 2013. In line with this Directive and in consonance with the European e-Justice initiative, an electronic register of local interpreters and translators was set up. This can be accessed from the Ministry's website.

INTERCONNECTIVITY PROJECT BETWEEN COURTS, ATTORNEY GENERAL AND PRISON

This EU-funded project which interconnects Criminal data between these three entities via IT systems was concluded in December and commissioning of this system is expected by early 2013. This IT projects will eliminate the duplication of work which Court and AG's personnel perform and replace manual systems by electronic ones.

COLLECTION OF FINES

During the year, a total of 2,125 applications for fines to be converted into imprisonment were filed and a total of 2,559 conviction tickets issued for conversion into imprisonment.

During 2012, the Criminal Court and the Court of Criminal Appeal inflicted €1,086,724.65 in fines of which €195,486.56 were appealed, €32,293.99 cancelled or revoked, €580,638.38 were converted into imprisonment and the amount of €86,515.32 were paid. There is still the amount of €191,790.40 outstanding. The Courts of Magistrates (Criminal Jurisdiction) inflicted €2,126,127.36 worth of fines of which €375,173.71 were appealed, €49,279.97 cancelled or revoked, €44,912.11 were converted into imprisonment and the amount of €511,795.17 were paid. There is still the amount of €1,144,966.40 outstanding.

From outstanding fines in the Criminal Directorate from previous years, the sum of €393,846.16 was converted into imprisonment, while the sum of €1,376,669.70 was duly collected.

The total amount of fines paid during the year 2012 was € 1,974,980.19.

Table A

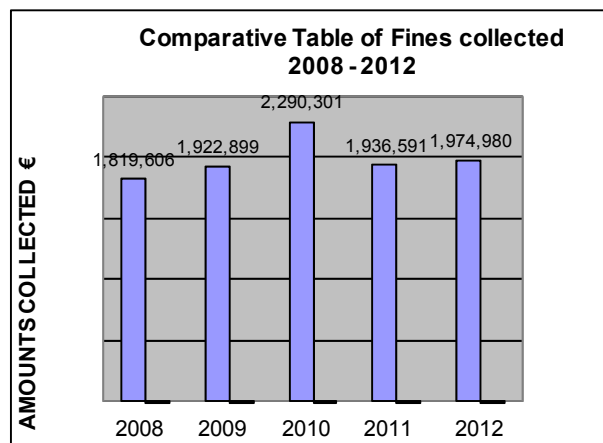
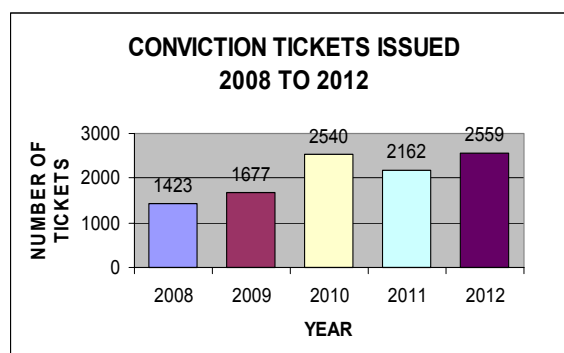


Table B



ANNEX TO THE REGISTRY

Two Deputy Registrars at the Annex to the Registry under the supervision of the Director/Registrar continued with the complex task of assessing the fees and expenses incurred by and awarded to Court Experts. During the year under review, the total sum of €1,338,790.75 was assessed to various court experts.

CRIMINAL COURTS (SUPERIOR)

	Introduced	Decided	Pending
Trials by Jury	27	46	75
Court of Criminal Appeal (Inferior)	610*	394*	822
Court of Criminal Appeal (Superior)	27	18	61
Total	664	458	958

*The introduced and decided cases before the Court of Criminal Appeal (Inferior) includes also appealed cases from judgements given by the Courts of Magistrates Gozo. In such cases, the Court of Criminal Appeal holds its sittings in Gozo.

GOZO COURTS AND TRIBUNALS

COURT OF MAGISTRATES AS A COURT OF CRIMINAL JUDICATURE/CRIMINAL INQUIRY AND MAGISTERIAL INQUIRIES

Criminal offences and contraventions punishable with a maximum of six months imprisonment are heard by the Court of Magistrates as a Court of Criminal Judicature (*Kawzi Sommarji*). During 2012, the case-load of this Court, in comparison to that of the preceding year, is illustrated below:

Year	Introduced	Other additions	Decided	Put off <i>sine die</i>	Re-appointed from <i>sine die</i>	Withdrawn	Pending
2012	944	11	721	22	2	263	360

The Court of Magistrates as a Court of Criminal Inquiry had the following registrations. No case was transmitted to the Attorney General for the issue of a bill of indictment. The figures for the previous year are shown for comparison.

Year	Introduced	Decided	Put off <i>sine die</i>	Re-appointed from <i>sine die</i>	Withdrawn	Deserted	Pending
2012	98	88	4	0	0	0	157

The number of Magisterial Inquiries recorded during this and the preceding year are shown below. Introduced cases refer also to those cases regarding which a report by a magistrate-appointed expert is produced.

Year	Introduced	Concluded	Pending at end of year
2011	39	55	347
2012	42	31	358

COLLECTION OF REVENUE

The amount of revenue from registry fees amounted to €308,793 while that from fines totalled €203,512 bringing the total revenue to €512,305.

KEVIN MAHONEY
Director General, Courts of Justice