

Cases No CEDUC-26-7414 & CEDUC-26-7739

12 August 2026

Complainant

Permanent Secretary, Ministry for Education and Sport (MES)

CEO of the Commission for the Rights of Persons with Disability (CRPD)

President of the Malta Federation of Organisations Persons with Disability (MFOPD)

Dear All

Letter of Closure
(Art. 17, Ombudsman Act (Cap 385))

1. This is a Letter of Closure in connection with the two cases in caption following a meeting held at the Office of the Ombudsman on Thursday, 30th July 2026. Present for the meeting were the Permanent Secretary at the Ministry responsible for education, Mr Matthew Vella; the CEO of the Commission for the Rights of Persons with Disability (CRPD), Commissioner Rhoda Garland; the President of the Malta Federation of Organisations Persons with Disability (MFOPD), Ms Marthese Mugliette; the Ombudsman, Judge Joseph Zammit McKeon; the Head of Communications and Research at the Office of the Ombudsman, Mr Jurgen Cassar and the undersigned Commissioner for Education.

2. Although the investigation in the two cases in caption originated from different facts and situations (and in one case there was a formal complaint, whereas the other was an Own Initiative investigation pursuant to Article 13(2) of the Ombudsman Act), both investigations revealed the same systemic problems. To put this Letter of Closure in perspective, and also mindful of the periodic amnesia which often strikes the public administration, especially after changes of senior officials in

ministries and departments of the civil service, it is appropriate to delineate briefly the *iter* of both cases.

3. Case No **CEDUC-26-7414** began with a formal complaint, lodged by the mother of a fifteen-year-old boy on the 15th March 2026. The boy was, at the time of the complaint, attending his last year at the Guardian Angel Secondary School. The essence of the complaint, the (initial) findings by the undersigned, and the recommendations made can be found in the Final Opinion of the 20th May 2026, which is being reproduced hereunder in its totality, together with the response from the Office of the Permanent Secretary MEYR (today MES) *ad futuram rei memoriam*:

[First] Report on Case No CEDUC-26-7414

The complaint

1. The complaint was filed on the 15th of March 2026. The complainant is the mother of a fifteen-year-old boy currently attending his last year at the Guardian Angel Secondary School. The complainant sought information from the Education Authorities about her son's transition from his current school to the Dun Manwel Attard (Wardija) School, but was informed that the only choice available was for her son to transition to a privately run programme called Life Map. Presumably in anticipation of this new set-up, the Wardija School did not take new students for the scholastic year 2025/26 and, up to the time of the filing of the complaint, no new intake was envisaged also for the scholastic year 2026/27. The complainant also stated that, as far as she could make out, the proposed new privately run programme lacked sufficiently duly warranted Maltese educators; and that the fact that her son had never exhibited any form of disruptive behaviour would mean that the largely therapeutic oriented programme would be detrimental to his continuing education.

The investigation and findings

2. From the investigation carried out it results that, notwithstanding all the efforts of the Education Authorities to promote this new programme for the post-compulsory education of children with disabilities, there was a lot of concern among parents and NGOs both about the new programme and, more crucially, about the intended (though never expressly stated) winding down of the Wardija School. Although in February of this year a temporary licence (valid for the scholastic year 2025/26) in terms of Article 4(1b) of the Education Act, Cap. 605 (presumably the correct reference should be to Article 4(1)(b)) was issued to the private operators of Life Map in respect of the premises in Pembroke, concerns persisted. Parents questioned why a school (Wardija) with a proven overall positive track record was being wound down leaving them with virtually no choice as to where to send their children; what was the real reason behind this eventual closure; whether the staff at the new programme would be largely ABA (Applied Behaviour Analysis) qualified (when ABA appears to be unregulated in Malta, something that the Commission for the Rights of Persons with Disabilities has constantly highlighted); and whether ‘farming out’ to a private entity the post-compulsory education of children with disabilities ran counter to the underlying principles of the U.N. Convention on the Rights of Persons with Disabilities (UNCRPD) and General Comment No. 4 of 2016, to wit the principle that disabled children should not be removed from the general education system and placed into what could appear to be ‘segregated systems’.

3. Some of the above concerns have now been mitigated. By letter dated 14th May 2026, the Permanent Secretary MEYR informed the Ombudsman’s Office that on 11th May 2026 a Circular (PS 04/2026) was issued to all Heads of School, administrators and educators that “... *after an evaluation that was conducted ...*” the Wardija School “... *will continue operating ...*” and that “... *the intake process will be coordinated in the coming days*”. The undersigned takes this to mean that the decision to wind down the Dun Manwel Attard School in Wardija had been reversed, and that parents will be given a genuine, and not merely a formalistic, choice of whether to send their children to this school or to the new Life Map programme.

4. This point – about a genuine choice – is being emphasised because admission to the Wardija School is not automatic. Following a request by this Office for further clarification from the office of the aforementioned Permanent Secretary, it transpired that a special multi-disciplinary Board exists within the Directorate for Educational Services to “... *systematically review, assess and determine referrals for the placement of students into specialised educational provisions and services*”. This Board (hereinafter, Board of Admissions) does not deal only with requests for referral to the Wardija School but also to other ‘specialised settings’ including San Miguel in Pembroke, Guardian Angel in Hamrun, Helen Keller in Qrendi, the Special Unit in Sannat, as well as privately run programmes including the impugned Life Map in Pembroke. However, as far as post-compulsory education for children such as the complainant’s is concerned, the choice is very limited: either Wardija or Life Map. In explaining the operation of the Board of Admissions, the Office of the Permanent Secretary noted as follows:

“The Board operates in accordance with a needs-based, evidence-informed assessment framework. Each referral is considered holistically through a thorough review of comprehensive documentation pertaining to the student, including psycho-educational reports. This process is further supported by direct consultation with the Head of Department of Inclusion and the respective Head or Deputy Head of School currently responsible for the student. Both are invited to attend the meeting to enable Board members to seek clarification and pose any relevant questions.” (underlining by the undersigned).

Singularly absent is any reference to consultation with the parents.

5. The Board’s prioritisation framework – “... with priority being given to students presenting with (sic!) the most significant and complex needs” (to quote from the communication from the Office of the Permanent Secretary) – but at the same time sidelining, whether directly or indirectly the parent or parents of the child requesting admission, renders the vaunted choice nugatory. School reports, on which the Board appears to rely heavily, are often lacking in detail and may not accurately reflect the severity of a child’s difficulties or the level of distress he or she experiences within the school environment. This is compounded by the fact already mentioned that

the Board of Admissions does not, at least from the information supplied by the Office of the Permanent Secretary, in principle consult with the parent/s – nor, indeed with the LSE following the child who would be in a position to explain the child’s daily functioning, communication, emotional well-being and lived experience in school.

6. The undersigned has often underscored the importance of parents as the primary educators of their children and the need to take fully into account their views. The Education Act 1988 prioritised the parents’ decision. Article 4 (now deleted) of that Act stated:

“It is the right of every parent of a minor to give his decision with regard to any matter concerning the education which the minor is to receive.”

With the 2021 amendments to that Act (now part of Cap. 605), the parents’ rights were relegated to second place in what is now Article 7:

“Subject to the provisions of this Act, it is the right of every parent of a minor to give his decision with regard to any matter concerning the education of the minor, provided that such decision is in the best interests of the minor in accordance with article 8(1).”

There follows in Article 8 a Byzantine procedure whereby in the case of any divergence of opinion between the Head of College Network and the parent or parents of a child, the matter is ‘forthwith’ brought to the attention of the Education Division, and if no solution is found, the matter is then referred to the Board for Educational Matters (which is a different Board from the one mentioned above, that is the Board of Admissions). However, it is only the Education Division which has the right to ‘appeal’ to the Board for Educational Matters, not the parent or parents.

7. Likewise, in the instant case, the parent/s (in effect the complainant) not only is not consulted by the aforementioned Board of Admissions, but even if she were to register a disagreement in terms of

Articles 7 and/or 8 of Cap. 605, she would have no right to appeal anywhere. This procedural anomaly is unreasonable and wrong in principle for the purposes and within the meaning of Article 22(1)(b) and (d) of the Ombudsman Act.

Conclusion and recommendations

8. For all the above reasons, the complaint in this case is justified and is being allowed ('sustained') in so far and to the extent only that the complainant mother has no right to be heard by the abovementioned Board of Admissions, and she has no effective right to appeal the decision of the said Board. Moreover, the fact that the admissions procedure and criteria for admission followed and applied by this Board are not publicly available, is also wrong in principle as it substantially diminishes the parents' right to participate effectively in the education of their children.

9. The undersigned therefore recommends that **(a)** the procedure and the criteria for admission to specialised schools followed by the Board of Admissions be made public; **(b)** that administrative measures are forthwith put in place to ensure that said Board also consult directly with the parent/s of the child in question and that the parent/s be given the right "to attend the meeting to enable the Board members to seek clarification and pose any relevant questions" (like the Head of the Department of Inclusion and the Head/Deputy Head of the School, who are automatically invited to attend) if the parent/s so request; and **(c)** that an internal administrative procedure of appeal from the decisions of the said Board be put in place to make up for the procedural imbalance of Article 8(2) of Cap. 605.

Vincent A De Gaetano
Commissioner for Education

20 May 2026

4. In response to that Final Opinion and to the recommendations made therein, the Office of the aforementioned Permanent Secretary replied on the **18th June 2026** to the following effect:

“Dear Commissioner,

Complaint by Ms A.B. on behalf of her minor son C.

The Ministry for Education and Sport acknowledges receipt of the recommendations put forward by the Commissioner for Education.

The Ministry takes note of the observations and recommendations set out therein. In this regard, the Ministry confirms that the matters raised are currently being considered as part of a comprehensive internal review of the Board of Admissions' operations and procedures. It is worth mentioning that a number of recommendations have already been implemented as per below.

The Ministry further confirms that the broader admission criteria shall be made publicly available, and, in view of the transparent process, even the number of available intake places shall be included in the relevant application form document for the 2026—2027 scholastic year registration process.

Furthermore, regarding parental participation, the Ministry confirms that parents were invited and will continue to be invited to attend the Board of Admissions meetings.

An appeals system is already being established for the current intake; however, this appeal function will not be utilised this year, as all children will have the opportunity to attend the Wardija School as per their choice, as mentioned in our previous correspondence regarding this matter and as per issued Press Release number PR261026.

The Ministry further confirms that the comprehensive internal review shall include discussions concerning the operational functioning and procedures of the Board of Admissions in preparation for the next intake cycle. In this regard, members of the Board have already been informed that an "Away Day" is scheduled for October 2026 to discuss the Board's operations ahead of the next application process, which is expected to be issued in January 2027.

Yours sincerely,

*Charles Dimech
Director, Internal Audit and Compliance"*

5. However, on the previous day – the **17th June 2026** – the Ombudsman's Office had received reliable and disconcerting information from several parents and NGOs that out of 13 new applications to attend the Wardija School commencing in September of this year, only 4 had been accepted (later reduced to 3 because the mother of one applicant had withdrawn the application, opting to send her son to attend the LifeMap programme). The complainant's son was not among those accepted. This number of "accepted" applications appeared all the more bizarre in light of other credible evidence that the Wardija School had 44 places available – subject, of course, to proper human resources being allocated. In the flurry of orders and counter-orders which followed within the Education Division in the days in question, the then Head of the Wardija School appears, according to reliable sources, to have even been blamed for 'leaking' the information about the 44 places – space wise – available, as if such information, which clearly should have been in the public domain from day one, fell somehow within the

ambit of the Official Secrets Act! The Head of School in question was eventually transferred to another resource centre. For the avoidance of doubt, the undersigned did not establish any cause-and-effect relationship between the alleged 'leak' and the transfer – correlation is not causation. Moreover, the complainant's son, together with all those who applied for the Wardija school, was eventually admitted to this school.

6. As a result of this new information, the undersigned re-opened the investigation into Case No CEDUC-26-7414, giving appropriate notice thereof to the Permanent Secretary as per Article 18(1) of the Ombudsman Act. The evidence that followed this re-opening clearly showed that in proposing what the Education Authorities are now indicating as "a choice" for parents – there was certainly no choice for the scholastic year 2025/26 – the two major organisations responsible for overseeing issues of disability (the CRPD) and for assisting persons with disabilities (the MFOPD) were in practice only presented with the final plans which the Education Authorities had already hammered out with a private organisation. They were left completely out of the loop. There was no genuine consultation; information was given to these two organisations in dribs and drabs and *ex post facto*.

7. In the discharge of its stewardship, the Public Administration in general has a duty of transparency without which there can be no proper accountability. What happened in this case is symptomatic of other branches of the Public Administration – provide the least possible information so as not to enable anyone to test or challenge properly what will eventually be presented as a *fait accompli*.

8. The other case – the Own Initiative investigation – **CEDUCOI-26-7739** – concerns issues in connection with Core Curriculum Programme (CCP) students attending Years 7 to 10 across State Schools in Malta and Gozo. While many of these students are statemented, not all of them necessarily fall to be classified as having disabilities. The Own Initiative investigation was triggered by a statement and press release issued by MFOPD on the 4th June 2026. In it, the MFOPD stated, *inter alia*, the following:

“Without any consultation with disability NGOs or with the CRPD, the educational authorities have decided that, from Monday 8 June, some students with disabilities will be removed from their mainstream school environment and required to participate in a three-week out-of-school learning programme in a segregated setting.

To add insult to injury, their Learning Support Educators (LSEs) will remain at school and be assigned other duties required by the school.

MFOPD firmly maintains that students with disabilities have the same rights as all other students. They are entitled to attend school and benefit from their educational programmes until the end of June, just as their peers do.

These students want to continue attending their schools, working towards the goals outlined in their Individual Education Plans (IEPs), and receiving support from their own Learning Support Educators.”

9. From the evidence heard and documents produced, the problem stems from a disputed interpretation of the current collective agreement involving teachers in State Schools, with the trade union representing the majority of said teachers claiming that when examinations are being conducted, students not sitting for those examinations – and CCP students by definition

do not sit for these examinations – should not be sent to school but kept at home. This causes not only anxiety to many of these students who are deprived of the normal school environment and the assistance of their LSEs before the summer vacation kicks in, but places also many parents in a dire position financially and otherwise. This appears to be the second year when this problem has arisen.

10. In spite of all the efforts of the Director General, Department for Curriculum, Lifelong Learning and Employability, no *modus vivendi* could be reached with the union. As a stop-gap solution the Education Authorities negotiated with the same private company that provides the LifeMap programme to provide a programme for CCP students. This programme was quickly set up and provided, but could only cater for a fraction of the CCP cohort affected. In effect, all the parents who applied for this new programme run by the private company had their children accepted.

11. It is, of course, not the function of the Ombudsman or of the undersigned to micromanage schools or school programmes. The functions of the undersigned are circumscribed by the provisions of Article 22(1)(2) of the Ombudsman Act and, more critically, by Rule 18 of the Commissioners for Administrative Investigations (Functions) Rules 2012 (S.L. 385.01). *It is*, however, the function of the Ombudsman and of the Commissioners within the Ombudsman's Office to identify systemic problems which are resulting, or which result, in any of the situations of maladministration envisioned in the aforementioned sub-articles (1) and (2) of Art. 22.

12. In effect, two such systemic issues were identified **in the course of both investigations**. The first concerned the lack of

structured consultation between the Education Authorities on the one hand and the CRPD and the MFOPD on the other, on matters affecting students with disabilities and their parents. The second systemic problem relates to insufficient forward planning by the education authorities, particularly in relation to issues affecting the Wardija School. During a meeting between the Permanent Secretary and the undersigned, Mr Vella agreed to hold the meeting mentioned in paragraph 1, above, to give the necessary assurances in respect of both issues.

13. At the meeting of Thursday, 30th July, after introductory remarks by the undersigned and by the Ombudsman, and after that representatives of the MFOPD and the CRPD had expressed their views, the Permanent Secretary confirmed the Ministry's commitment to strengthening consultation and improving forward planning. He stated that he would ensure communication and engagement with stakeholders would become more structured and that a change in organizational culture would be pursued in this regard. He informed those present that the Ministry intends to review the procedures governing the Core Curriculum Programme by adopting a more holistic approach. MFOPD will be consulted throughout this process and the resulting findings will be presented upon completion. Looking towards the longer term, he informed the meeting that instructions had already been issued to the Director General responsible for inclusion to commence a series of consultation meetings as part of the preparation of a new national strategy on inclusion. Finally, he also highlighted the positive contribution made by the LifeMap programme in enabling students with disabilities to remain within their communities while continuing their educational and training pathway.

14. In view of all the above, CEDUC-26-7414 and CEDUCOI-26-7739 are considered as closed and as requiring no further investigation (Art. 17 of Cap. 385 refers). For statistical purposes at this end both cases are being registered as 'resolved by developments in the course of investigation before a Final Opinion is formed'. Sector involved in both cases.

Yours sincerely

Vincent A. De Gaetano
Commissioner for Education
Office of the Parliamentary Ombudsman



Tel: +356 2248 3228;

Email: vincent.a.degaetano@ombudsman.org.mt



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