

CEDUC

From: Magro Josephine D at MES <josephine.d.magro@gov.mt>
Sent: 11 September 2026 13:12
To: Vincent A Degaetano
Cc: CEDUC; Camilleri Byron at MES; Vella Matthew at MES; Dimech Charles at MES; Cassar Oreste 1 at OPM
Subject: CASE NO CEDUC-26-8161
Attachments: Fitness Test - Aquatic Sports.pdf
Categories: Related to Salesforce

Dear Commissioner,

Good afternoon.

Please find below the reply prepared in relation to this case, with the aim of correcting the inaccuracies identified in the chronology of events. This reply was compiled by the technical board appointed to carry out the physical tests, whose members are experts in the field and possess detailed knowledge of the matters under consideration.

Dear Commissioner,

We refer to your notification in terms of Article 18(1) of the Ombudsman Act concerning the complaint submitted by Mr and Mrs _____ regarding the non-admission of their daughter, _____ to the National Sports School.

The Admissions Board fully recognises the importance of ensuring that the National Sports School admissions process is fair, transparent and consistently applied. In view of the matters raised, we wish to provide the broader context of the selection process and address specifically the concerns relating to _____'s assessment.

1. National Sports School Selection Process

Admission to the National Sports School is determined through a structured, multi-stage assessment process governed by pre-established criteria. The outcome is not based on a single assessment, nor on the judgement of a single assessor.

The first stage consists of a sport-specific assessment comprising two separate trial sessions. Candidates are assessed against criteria relevant to their respective sporting discipline, and the higher mark obtained from the two sessions is retained for the purposes of the admissions process. A minimum of two assessors is present during each assessment session.

As an additional safeguard intended to strengthen the independence and impartiality of the assessment process, every effort was made to engage qualified foreign assessors. This measure was intended to minimise the possibility, or perception, of conflicts of interest and to reinforce the objectivity of the assessment process.

Candidates are required to obtain a minimum mark of 50 in the sport-specific assessment in order to proceed to the subsequent fitness-testing stage. The fitness assessment consists of a prescribed testing battery determined according to the candidate's sporting discipline or sporting category.

The fitness-testing criteria applicable to the respective sporting disciplines were developed by the National Sports School's sport-specific teachers and coaches, drawing on their professional expertise and their understanding of the physical demands associated with the respective sports. This ensured that the fitness-testing requirements were not applied as a generic battery across all applicants, but were structured to reflect the characteristics and physical demands of the relevant sporting disciplines.

Accordingly, candidates were assessed within appropriate sporting categories, including:-

aquatic sports such as swimming;
artistic swimming and water polo;
team sports such as football;
handball and basketball;
racquet sports such as tennis,,
badminton and squash; and
combat sports such as taekwondo, judo and karate, amongst others.

Candidates within the relevant category were subject to the prescribed fitness-testing battery applicable to that category. Candidates must also satisfy the prescribed academic eligibility requirements. This requires a mark of at least 50 in a minimum of three out of four core academic subjects, namely Maltese, Mathematics, English and Science.

Eligibility for admission is therefore determined through the cumulative application of sport-specific, physical fitness and academic criteria. Once the relevant assessment stages are completed, the results are compiled and considered within the established admissions framework. Candidates who satisfy the applicable eligibility requirements are subsequently ranked, and places are allocated according to the number of places available within the respective sporting disciplines, as determined by the National Sports School.

The admissions process therefore, incorporates a number of safeguards intended to promote consistency, transparency and impartiality. These include two sport-specific assessment sessions, the involvement of more than one assessor, the engagement of foreign assessors, pre-established sport-specific assessment criteria, fitness-testing criteria developed by the National Sports School's specialist teachers and coaches, category-specific fitness-testing batteries, and clearly defined academic requirements.

2. Swimming Sport-Specific Assessment Criteria

In the case of swimming, official ASA competition results forms part of the sport-specific assessment phase. The candidates' best 3 performances recorded during competitions organised by the Aquatic Sports Association throughout the relevant swimming season were considered. These results were obtained from the publicly available Swimrankings database, which records official competition performances.

Accordingly, ____'s recognised competitive swimming performance was expressly taken into account during the admissions process. Her best official results from the relevant competitions were considered in the same manner as those of the other swimming applicants. ____ got a total of 100 marks. The official ASA results were therefore neither disregarded nor given lesser consideration in ____'s case. The same approach and source of information were applied consistently to all candidates within the swimming discipline.

It is, however, important to distinguish clearly between the sport-specific assessment and the subsequent fitness assessment, as these constituted separate components of the admissions process and were designed to measure different aspects of a candidate's performance, and ability.

The sport-specific assessment was intended to evaluate the candidate's demonstrated performance and competitive standard within the sport of swimming. In this context, official ASA competition results provided objective evidence of performance achieved in recognised competitive events over the course of the swimming season.

The fitness assessment, by contrast, formed part of a separate standardised physical-testing process. Its purpose was not to reproduce, validate or replace official competition results, nor to establish which candidate was the stronger competitive swimmer. Rather, it assessed candidates against a prescribed battery of physical tests applicable to their sporting category. The 25-metre sprint formed one component of this fitness-testing battery.

The two forms of assessment must therefore be considered independently. An official competition result achieved under competition conditions and a result obtained during a separate 25-metre fitness test relate to different assessment contexts, distances and purposes. A candidate's relative ranking in official ASA competition results cannot therefore be used retrospectively to determine what that candidate's recorded result in the separate fitness assessment should have been.

The fact that [redacted] had achieved stronger official competition results than another applicant was already recognised through the sport-specific component of the admissions process. It does not, however, invalidate a separately recorded result obtained by either candidate during the prescribed fitness assessment. Each component was considered for the purpose for which it had been established, and the same distinction was applied consistently to all swimming applicants.

3. Fitness Assessment

The fitness-testing criteria and assessment components were communicated to candidates in advance of the testing date. The relevant criteria were issued on 9 June 2026, more than three weeks before the fitness assessments which were conducted on 3 July 2026. Candidates were therefore informed beforehand of the tests that would form part of the fitness assessment.

For candidates within the aquatic sports category (swimming, artistic swimming and waterpolo), the prescribed fitness-testing battery consisted of four separate components, each contributing to the overall fitness-assessment result. The 25-metre sprint was therefore only one component of the assessment and did not, in isolation, determine either the candidate's overall fitness result or admission to the National Sports School.

[redacted]'s performance across the four fitness-test components was recorded as follows:

- **25-metre sprint:** 5 marks
- **Hollow Hold:** 5 marks
- **Standing Broad Jump:** 25 marks
- **Flexed Arm Hand:** 15 marks

[redacted] therefore obtained an overall fitness-assessment score of **50 marks out of 100**.

These results are significant in considering the complaint because they demonstrate that [redacted]'s fitness-assessment outcome was not determined solely by her performance in the 25-metre sprint. The sprint accounted for 25% of the overall fitness-testing battery, with the remaining 75% derived from three separate physical assessments.

It is also relevant that the complainants have not raised concerns regarding the assessment or marking of the other three fitness-test components which were carried out by the same foreign assessors. The specific issue raised relates to the 25-metre sprint. The integrity of that particular result has nevertheless been subsequently checked against the original assessment records, recorded timing and applicable scoring methodology, and no recording, transcription or computational error was identified.

For ease of reference and further verification, please find below the relevant extract from the Excel assessment file, together with the attached Fitness Test Assessment Sheets completed by the foreign assessors for the three swimming applicants.

Full name	Sport	EmailAddress	IDNumber	Flexed-Arm Hang		Hollow Hold		25m all-out Swim		Standing Broad Jump		FINAL MARK
				Time	MARK	Time	MARK	Time	MARK	Distance	MARK	
	Swimming			37.93	5	31.60	15	14.05	25	1.65	15	80
	Swimming			40.08	15	15.56	5	15.26	5	1.80	25	50
	Swimming			57.72	25	60.11	25					80

4. The 25-metre Sprint

The specific concern raised by the complainants relates to the fact that the other two swimming candidates completed the 25-metre sprint together, whereas _____ completed the same assessment separately.

The 25-metre sprint was designed and administered as an individually **timed** fitness assessment. The relevant outcome was the **time** recorded for each candidate over the prescribed 25-metre distance. It was not structured as a head-to-head competitive race and neither finishing position within a heat nor visual comparison between swimmers formed part of the assessment criteria or scoring methodology.

_____ undertook the prescribed 25-metre assessment together with the other aquatic-sport candidates during the same testing session. For the purposes of conducting the assessment, candidates were organised into groups of four, reflecting the four swimming lanes that had been booked and allocated for these tests. Each candidate's performance was individually timed and recorded for the subsequent application of the prescribed scoring methodology.

The 25-metre pool at Tal Qroqq was used because the assessment specifically required a 25-metre sprint. The main competition pool is 50 metres in length. The 25-metre pool is not connected to the electronic timing system used for official competitions. Manual timing was therefore used for this fitness assessment and administered individually for each applicant.

The use of manual timing was applied as part of the same assessment procedure for the candidates concerned. Following the complaint, the original timing records were revisited and checked, and no recording or transcription error was identified in _____'s result.

The fact that the three swimming candidates did not undertake the assessment simultaneously did not alter the variable being assessed, namely the individually recorded time achieved over 25 metres. The assessment did not award marks on the basis of which swimmer finished first within a heat, nor did the presence or absence of another swimmer form part of the prescribed scoring criteria.

5. Scoring Methodology

Following completion of the fitness assessments, the recorded results were processed through the normative scoring methodology. The methodology and its application were discussed and reviewed in consultation with qualified fitness teachers at the National Sports School and with the Director responsible for STEM and VET Programmes, with the aim of ensuring a consistent and appropriate framework for the assessment of candidates.

For the purpose of normative scoring, candidates were compared within their respective sporting discipline. Accordingly, _____'s 25-metre sprint result was compared only with the results obtained by the other swimming candidates. She was not ranked against candidates applying through water polo or artistic swimming.

The scoring system was based on percentile bands and corresponding performance thresholds. Marks were therefore not calculated through a direct or linear conversion of the number of seconds separating one candidate from another. Instead, each recorded performance was placed within the applicable threshold band, with the corresponding mark then awarded.

This distinction is important. Under a banded normative system, two recorded times may be numerically close yet fall on opposite sides of a prescribed threshold. Where this occurs, the candidates will receive the marks corresponding to their respective bands. The difference in marks therefore reflects the applicable scoring band rather than a calculation whereby a particular fraction of a second is assigned a predetermined number of marks.

The same thresholds and calculation methodology were applied consistently to all candidates within the swimming cohort.

The thresholds applied to the 25-metre sprint were as follows:

Marks awarded	Percentile band	Recorded time threshold
25 marks	20th percentile	≤ 14.53 seconds
20 marks	40th percentile	> 14.53 to ≤ 15.02 seconds
15 marks	60th percentile	> 15.02 to ≤ 15.32 seconds
10 marks	80th percentile	> 15.32 to ≤ 15.44 seconds
5 marks	Above 80th percentile	> 15.44 seconds

Accordingly, once a candidate's recorded 25-metre time had been established, the corresponding mark was determined by reference to the applicable threshold. No discretionary adjustment was made on the basis of the identity of the candidate, the swimmer against whom the candidate undertook the test, club affiliation, or the numerical difference between individual candidates' times.

6. Verification of _____'s Result

Following the concerns raised by Mr and Mrs _____, the documentation relating specifically to _____'s fitness assessment was revisited and checked against the original assessment records. This review included verification of the recorded 25-metre sprint time, the transcription of that result into the assessment documentation, the application of the relevant scoring threshold, and the subsequent calculation of the mark awarded. The corresponding records and calculations were checked for consistency.

No recording, transcription or computational error was identified. _____'s recorded time corresponded with the original assessment record, and the mark awarded was consistent with the applicable threshold within the prescribed scoring methodology.

Accordingly, the review did not identify any evidential basis for substituting a different recorded time, awarding an alternative mark, or recalculating _____'s fitness-assessment result.

7. Comparison with official ASA results

The complainants have referred to official ASA results indicating that _____ had previously recorded a better competitive performance than one of the other applicants.

The Board does not dispute the official ASA results. These were considered during the sport-specific assessment phase.

They cannot, however, be used to determine retrospectively what a candidate's result in the separate 25-metre fitness assessment ought to have been.

The two assessments involved different distances, different settings and different assessment purposes. A candidate's relative ranking in an official 50-metre competition does not necessarily determine the relative result that will be recorded in a separate 25-metre fitness test.

8. Club Affiliation

The correspondence notes that the other two swimming candidates belonged to the same swimming club, while _____ belonged to a different club. The Board wishes to address clearly any suggestion that club affiliation may have influenced the manner in which the candidates were assessed or the results subsequently awarded.

Club affiliation was not an assessment criterion at any stage of the National Sports School admissions process. It carried no weighting, conferred no advantage or disadvantage, and played no role in the recording, evaluation or scoring of the candidates' fitness-test results.

The assessment of the 25-metre sprint was based exclusively on the individual time recorded for each candidate and the subsequent application of the prescribed scoring thresholds. The identity of the candidate's swimming club did not enter into that process.

Conclusion

The Board fully understands the disappointment experienced by _____ and her parents and recognises her ability as a competitive swimmer. This is not in question. The matter under consideration, however, is whether her application was assessed fairly and in accordance with the selection framework applicable to all candidates.

Having revisited the relevant documentation, the Board remains satisfied that _____'s application was assessed within that framework and that no recording, transcription, calculation or differential treatment has been identified that would warrant altering her assessment result or revisiting the admissions outcome.

However, the number of available places within each sporting discipline was determined by the National Sports School. In the case of swimming, the National Sports School allocated two places for admission. Consequently, with three eligible applicants competing for those two available places, the Admissions Board was required to select the two candidates who achieved the strongest overall results across the established selection process.

The Board will continue to cooperate fully with your investigation and remains available to provide any further documentation or clarification that your Office may require.

Kind regards,

National Sports School Admissions Board

Yours sincerely,

Josephine Magro

Senior Principal
Internal Audit and Compliance Unit (IACU)
Office of the Permanent Secretary



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MINISTRY FOR EDUCATION AND SPORT

GREAT SIEGE ROAD, FLORIANA, MALTA

Kindly consider your environmental responsibility before printing this e-mail

From: CEDUC <ceduc@ombudsman.org.mt>

Sent: Friday, 11 September 2026 12:15

To: Vella Matthew at MES <matthew.a.vella@gov.mt>

Cc: Camilleri Byron at MES <byron.camilleri@gov.mt>; Dimech Charles at MES <charles.a.dimech@gov.mt>; Magro Josephine D at MES <josephine.d.magro@gov.mt>; Cassar Oreste 1 at OPM <oreste.cassar.1@gov.mt>

Subject: CASE NO CEDUC-26-8161

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

Dear Mr Vella

Kindly find attached the letter and the Final Opinion on the above-mentioned case in caption by the Commissioner for Education. A hard copy will be sent by post.

Yours sincerely

Joanna Farrugia
PA to the Commissioner for Education



OMBUDSMAN

COMMISSIONER FOR EDUCATION

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Please consider the environment before printing this email

CEDUC

From: Vincent A Degaetano
Sent: 14 September 2026 09:05
To: Magro Josephine D at MES
Cc: CEDUC; Camilleri Byron at MES; Vella Matthew at MES; Dimech Charles at MES; Cassar Oreste 1 at OPM; reubenjm73@gmail.com; jennymuscat212@gmail.com
Subject: RE: CASE NO CEDUC-26-8161

Dear Ms Magro,

I acknowledge receipt of your email of the 11th instant, sent after the publication of the Final Opinion.

I have carefully gone through the report prepared by someone from, or on behalf of, the National Sports School Admissions Board. The information given therein is basically a rehash, with considerable circumlocution, of what was stated by the D.G. Educational Services in her email to the complainants of the 4th August 2026. It confirms – see the part I have highlighted in green – that the three swimming candidates did not undertake the assessment simultaneously, and, once again, the report does not give a credible explanation for the separation – two together and one on her own.

For the reasons specified in paragraph 6 of my Final Opinion, nothing in the report you sent me changes one iota of what is contained in that Final Opinion.

I await the Permanent Secretary's reply to my email of the 11th for the purposes of Article 22 of the Ombudsman Act.

Yours sincerely,

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



OMBUDSMAN

COMMISSIONER FOR EDUCATION

Tel: +356 2248 3228;

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

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From: Magro Josephine D at MES <josephine.d.magro@gov.mt>
Sent: 11 September 2026 13:12
To: Vincent A Degaetano <vincent.a.degaetano@ombudsman.org.mt>
Cc: CEDUC <ceduc@ombudsman.org.mt>; Camilleri Byron at MES <byron.camilleri@gov.mt>; Vella Matthew at MES

From:

Sent:

To:

Cc:

Subject:

Magro Josephine D at MES <josephine.d.magro@gov.mt>

23 September 2026 11:24

Vincent A Degaetano

CEDUC; Camilleri Byron at MES; Vella Matthew at MES; Dimech Charles at MES;

Cassar Oreste 1 at OPM

CASE NO CEDUC-26-8161



Dear Commissioner,

Good morning.

Reference is being made to your correspondence dated 14 September 2026. Please find below the Ministry's observations and comments regarding the matters raised therein.

- *"I have carefully gone through the report prepared by someone from, or on behalf of, the National Sports School Admissions Board."*

The Ministry confirms that it asked the National Sports School Admissions Board to prepare the report in view of their technical expertise.

- *"It confirms – see the part I have highlighted in green – that the three swimming candidates did not undertake the assessment simultaneously, and, once again, the report does not give a credible explanation for the separation – two together and one on her own."*

Reference is being made to point 4, **The 25-metre Sprint** (3rd paragraph).

completed the prescribed 25-metre swimming physical assessment during the same testing session as the other aquatic-sport candidates. For the assessment, the Board arranged all aquatic-sports candidates in groups of four, in line with the four swimming lanes booked and allocated for these tests. The Board applied this arrangement uniformly to all candidates, and no candidate swam alone. Although the candidates represented mixed aquatic disciplines, all participants were required to swim freestyle, ensuring a consistent, comparable, and fair assessment environment. The organisation of the test did not disadvantage any candidate, as the same grouping method, lane allocation, swimming style, timing process, and scoring methodology were applied equally to every participant. The Board timed and recorded each candidate's performance individually for the subsequent application of the prescribed scoring methodology.

In light of the above clarifications, the Ministry trusts that the information provided adequately address the concerns raised in your correspondence.

Yours sincerely,

Josephine

Josephine Magro

Senior Principal

Internal Audit and Compliance Unit (IACU)

Office of the Permanent Secretary



Dok E
15

CEDUC

From: Vincent A Degaetano
Sent: 25 September 2026 09:59
To: Magro Josephine D at MES
Cc: CEDUC; Dimech Charles at MES; Camilleri Byron at MES; Vella Matthew at MES; Cassar Oreste 1 at OPM
Subject: CEDUC-26-8161

Dear Ms Magro,

Thank you for your email of the 23rd instant and the clarification therein contained.

As I had verbally explained to Mr Dimech, the fact that A.M. had in fact been timed with other swimmers whose specialisation was not competitive swimming but some other discipline (synchronised swimming, water polo, etc) does not detract from the conclusions in paragraphs 5 and 6 of the Final Opinion of the 11th September 2026 – if anything it reinforces those conclusions. If the examiners appointed by the Admissions Board of the NSS, or the Board itself, cannot see the obvious then I can only conclude that the Ministry is rejecting this Office's recommendation in the Final Opinion aforementioned.

I shall therefore initiate the procedure outlined in subarticle (4) of Article 22 of the Ombudsman Act.

Yours sincerely,

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


OMBUDSMAN

COMMISSIONER FOR EDUCATION

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