

## **Report on Case No CEDUC-25-6309**

### ***The complaint***

1. The complaint was filed with this Office on the 15<sup>th</sup> of July 2025. The complainant is the mother of a young boy who during the normal scholastic year is LSE supported on a one-to-one basis. In March of this year, following a call for applications, the complainant applied to have her son attend catch-up classes at the school in Rabat (Gozo) where these classes were going to be held. Her application was acknowledged and she was even sent a link for an online meeting for parents for Monday 7<sup>th</sup> July 2025. In order to facilitate the eventual transition from the summer school to these catch-up classes in Rabat, the complainant even transferred her son from the summer school (Skola Sajf) of her village to the Rabat summer school.

2. It was only in the course of this online meeting that the complainant first became aware that one-to-one LSE supported students (but not shared LSE supported students) were automatically excluded from attending these classes. The complainant, who is a regular warranted teacher, even offered to renounce her son's one-to-one LSE support since, on the basis of the twice yearly school reports, she was satisfied that her son could profitably follow without LSE support the catch-up programme. The education authorities, however, insisted that her son was ineligible for the catch-up classes.

*The investigation*

3. The undersigned has carefully examined all the evidence available, including the original online call for applications for the catch-up classes, the correspondence between the complainant and the education authorities, as well as the formal reply by the Permanent Secretary, MEYR of the 25<sup>th</sup> July 2025 to the formal service upon him of the complaint pursuant to Article 18(1) of the Ombudsman Act. The undersigned is appalled at the insensitivity shown towards, and lack of empathy with, parents of one-to-one LSE supported children over this issue of catch-up classes. While education authorities acknowledged that things may have been handled better at the application stage (*“I appreciate your feedback about the communication of the programme’s scope and criteria. We will take this into consideration in future planning to ensure greater clarity for all families”* – email of Director General Curriculum, Lifelong Learning and Employability to the complainant of the 8<sup>th</sup> July 2025), they continued to insist on the ‘one-glove-fits-all’ approach and to automatically deny the complainant’s son the possibility of attending the aforementioned catch-up classes.

4. The undersigned notes that when the complainant applied in March to have her son attend catch-up classes, she had provided her son’s name and I.D. card number. The education authorities had ample time to make an individualised assessment of the complainant’s son’s suitability for the catch-up classes, but did not do so (or, if they did, they never informed either the mother or this Office), preferring to rely on the blanket and pre-determined exclusion and ineligibility of all one-to-one LSE supported children. This is confirmed by the Permanent Secretary’s own statement, to wit:

*“The allegation that the decision amounted to discrimination is respectfully rejected. The outcome was based on long-standing and consistently applied eligibility criteria, aligned with each student’s documented needs as defined in their IEP. It is understandable that students with shared LSE support have varying levels of dependency, and eligibility is always assessed against the student’s IEP – as was done in this case.”*

The ‘long standing and consistently applied eligibility criteria’ is the blanket prohibition or exclusion – and no evidence whatsoever was provided of an individualised assessment carried out in respect of the complainant’s son.

5. The above approach – the predetermined approach – was also confirmed by the Director General Curriculum, Lifelong Learning and Employability in his communication with the complainant of the 7<sup>th</sup> July 2025:

*“Students who benefit from full time one-to-one Learning Support Educators (LSEs) during the scholastic year already receive continuous, structured support. This includes lesson adaptations, differentiated instruction, and other targeted interventions that are formally agreed upon and documented in their IEP. These programmes are planned and monitored by professionals with the specific intention of meeting each child’s unique needs throughout the year.*

*The Catch-Up Programme, by its nature, involves a concentrated academic workload over the summer period. This is not always ideal for*

*students who require a more tailored and supported approach to learning.*  
*For many of these students, the intensity and pace of the catch-Up may be overwhelming and counterproductive. This is precisely why, in the spirit of true inclusivity, the programme operates in alignment with professional recommendations, including IEP provisions. It is not a matter of exclusion, but rather a matter of adapting interventions to what is educationally appropriate and beneficial for each learner.”* (underlining by the undersigned)

Again, generic statements but no evidence or indication of the complainant’s son having been individually assessed prior to the online meeting of the 7<sup>th</sup> July or immediately thereafter to take account of his mother’s view that he could benefit from the catch-up classes.

6. In sum, the education authorities’ approach to the complainant’s application to have her son attend catch-up classes was both wrong in principle in terms of Article 22(1)(d) of the Ombudsman Act, and was also an act of maladministration in terms of sub-article (2) of Art. 22. It was wrong in principle because it relied heavily (if not exclusively) on a blanket prohibition on one-to-one LSE supported students from registering for and attending catch-up classes, an approach that is repugnant to all avowed commitments to inclusive education for all; and it was an act of maladministration because no valid and cogent reasons were preferred by the education authorities to the complainant in the exercise of a discretionary power.

7. For all the above reasons, the complaint is fully justified and is therefore sustained.

8. As this is a case of *res ipsa loquitur*, no specific recommendation is called for.

Vincent A De Gaetano  
Commissioner for Education

11 August 2025