

Report on Case No CEDUC-25-6837

The complaint

1. The complainants are a group of six parents of six children attending the San Miguel Resource Centre. The children in question are all of compulsory school age.
2. The parents requested and were granted a meeting with the Director General Educational Services to discuss certain issues in connection with their children's education. The meeting was originally scheduled for the 25th November 2025. The parents also requested that at the meeting they be represented by a husband and wife couple (A.B. and C.B.) who had previously represented them on other issues with the Education Division. Although A.B. and C.B. do not have any child at the resource centre in question, they have extensive knowledge of the special needs of children attending resource centres like San Miguel, their son having previously attended another such centre. The said D.G. refused permission for the parents' representatives (or spokespersons) to attend. When the parents insisted, the meeting was cancelled.
3. Another complaint by the said six parents is that the Head of the San Miguel Resource Centre is refusing to provide them with the time-table of their children's activities at the school in question. The complainant's children are all 'full-timers' at this school.



4. These two complaints were served upon the Permanent Secretary MEYR on the 31st October 2025 in accordance with Art. 18(1) of the Ombudsman Act and comments were solicited by Thursday 6th instant. To date no comments have been received.

The investigation and findings

5. Apart from international instruments pertaining to education to which Malta may be a party, the Education Act (Cap. 605) makes it abundantly clear that the education of minors is, in principle, a collaborative issue between parents and the State Education Authorities. For instance, in order to comply with some of the duties listed in Art. 6 of the Education Act, parents must be fully apprised of the actual situation in the schools of their children, they must be provided with truthful information in time, and they must be able to make their voices heard with the Education Authorities in an effective and practical way, and not merely in a theoretical way within the straight jacket of contrived administrative procedures.

6. Moreover, 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 (Art. 7), “with due regard to the interests of other students attending the same school as the minor and the continued effective and efficient operation of the school” (Art. 8(1)). This right cannot be effectively exercised unless parents are allowed to express their views in the most ample and effective way by appointing, should they so wish, other people to represent them. Nor can the Education Authorities stop such representation by claiming that there is an established procedure to settle issues in case of divergence of opinion. Apart from the fact that disagreement should, in the first place, be avoided – and impeding the parents’ right to representation



in discussions with the Education Authorities certainly does not augur well in this respect – it is trite knowledge that the mechanism established in subarticles (2) to (6) of Article 8 is lopsided since the right of appeal to the Board for Educational Matters is only given to the Education Division and not also to the parent or parents (see the *proviso* to subarticle (2) of Article 8). Only where the parents of a minor are in disagreement between themselves, which is not the case here, concerning the education of said minor, may one of them apply to the Board (see Art. 8 (4)).

7. The collaboration of parents is also required by the school itself to ensure that it fulfills its duty (see, for instance, Article 9 (*d*) and (*i*) of Cap. 605).

8. All this indicates that it is unreasonable, verging on the administratively oppressive, to restrict the parents' right to be represented, at meetings with the education authorities, by persons of their choice. Such right is also an important adjunct to the fundamental rights of freedom of association and freedom of expression. Parents cannot be forced to be represented either by the Commission for the Rights of Persons with Disability (CRPD) – notwithstanding all the excellent work that this Commission does – or by the Malta Federation of Organisations of Persons with Disability (MFOPD), as was suggested in a communication to the parents by the D.G. Educational Services to the complainants of the 30th October 2025.

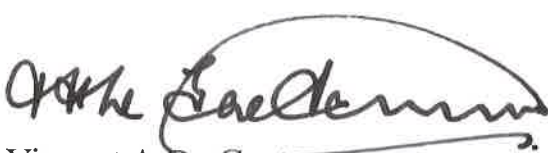
9. As to the refusal by the Head of School in question to provide the parents with the time-table, the complainants provided this Office with the Head of School's email to them of the 16th October 2025. In this email the sender fails to address satisfactorily the request of the parents for the time-table of their children's activities at the school, citing a number of administrative problems as an excuse. While the undersigned is quick to the problems of running such a

specialised resource-centre and the need to adjust daily routine to administrative issue which may arise at short notice (such as sick leave by educators or the need to accommodate part-time students), it is difficult to conceive why a basic time-table for each full-time student cannot be given to the parents requesting it.

Conclusion and recommendation

10. For all the above reasons the complaint (both legs of the complaint) is fully substantiated and justified, and is therefore sustained. The refusal to allow representation of the complainants at their meeting with the D.G. Educational Services – a meeting which has in the meantime been reset for Tuesday, 2nd December 2025 for half an hour between 14.00 and 14.30, thus making it more important that the parents should, in the brief time available, be represented so that they can speak *voce unanimi et clara* – is unreasonable, unjust, in breach of the law and wrong in principle in terms of the provision of Article 22(1) of the Ombudsman Act. The refusal by the Head of School to provide a basic time-table is likewise unreasonable.

11. The undersigned recommends that at the meeting of the 2nd December 2025 A.B. and C.B. be allowed to attend and advocate for the complainants; the undersigned also recommends that the complainants be provided without further delay with the basic time-table as indicated above.



Vincent A De Gaetano
Commissioner for Education

10 November 2025