

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 reason, 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