

Report on Case No CEDUC-26-7086

The complaint

1. The complainant is an E.U. national. He and his wife live and work regularly in Malta. They have two small children who attend school at Qawra and, since late 2022, have been regularly picked up after school by either one of them (that is, by the father or the mother) from the Klabb 3-16 Qawra Centre run by the Foundation for Educational Services (FES).

2. The 5th of December 2025 was a stormy day, with lots of rain and promise of more. The complainant, who normally picked up his children at 15:00, decided to pick them up slightly earlier (at 14.30) to avoid further rain and possible road flooding. When he arrived at the centre, he could not locate on his person or in the car the pick-up cards with the children's names on them – a system introduced some months before (in August 2025) to facilitate and expedite the release of children to the persons authorised to pick them up, without the need of having to verify the adult's identity with the list of the adults authorised to pick up a particular child. In the case of the complainant's children the adults authorised to pick them up are the complainant himself, his wife and the complainant's sister (the children's aunt). The last mentioned, however, has never actually picked them up. The staff at the centre in question had only ever interacted with the complainant and his wife. The complainant identified himself using the Maltese Residence Permit (showing his name and photograph) and also presented to the official at the door a screen shot on his mobile phone of the two pick-up cards. The official at the door, who had faced the complainant on other occasions, after

cursorily conferring with a ‘supervisor’ who was at her desk beyond the door and inside the building, refused to release the children to the complainant.

3. The complainant there and then and in front of the said official phoned the Qawra Police Station to seek the assistance of the Police in having his children released to him, but no assistance was forthcoming from that quarter. The children were eventually released, some one hour later, to the complainant’s wife when she turned up at the centre with her copy of the two pick-up cards.

The investigation and findings

4. Ever since this incident the complainant has been seeking from the education authorities and from the FES in particular an answer in writing to four specific questions:

- (i) why were the children not released to him despite full verification of his identity and his explicit request that they are be handed to him;
- (ii) what is the official policy when a parent is temporarily unable to physically present the pick-up card;
- (iii) whether staff are authorised, upon proper verification of identity, to release children even if the physical pick-up is momentarily unavailable; and
- (iv) what assurances could be given that such an incident would not occur again.

5. In the course of this investigation the undersigned has heard evidence and trawled through the email correspondence between the education authorities and the complainant, the official response (of the 6th February 2026) from the Office of the Permanent Secretary at MEYR, as well as internal correspondence between

the ‘supervisor’ abovementioned and the Manager Operations and Support Services at FES.

6. What is striking from all the above evidence is that whereas it is pellucidly clear that the personnel, on duty at the centre, and charged with releasing children on the day in question failed to act reasonably and in line with the SOP document (issued in August of last year), every effort was made by the education authorities to obfuscate this fact, with arguments about lack of staff, pressure of work and the safeguarding of children. The undersigned, while perfectly cognizant of the need and vital importance of clear policies to safeguard children from being released to unauthorised persons, cannot for one moment entertain the rambling excuses put forward by the Office of the Permanent Secretary in the letter of the 6th instant (mentioned above). Indeed, this letter contains an implicit admission of failure to comply with the relevant SOP. Also, the undersigned was gobsmacked by the suggestion made by a high official of the FES that the said SOP was an ‘internal document’ and that parents have no right of access to it. The education of children is a collaborative process involving primarily the parents of the children. Any and every document directly or indirectly affecting children or their parents should, in principle, be accessible to parents: full public accountability, as the cornerstone of good administration in line with the rule of law, demands nothing less.

7. The undersigned was provided with Version 3 – August 2025 of the SOP in question. This is a very well drafted document with, indeed, the safety of children at the forefront of all considerations. But the drafter/s recognised also the need of flexibility in exceptional circumstances. A paragraph in this SOP reads:

*“If a student is picked up without a pick-up card, the coordinator or staff member at the door must verify the individual’s identity with his/her ID card and confirm that they are listed on the **Authorised Persons Pick-Up Form**. The coordinator will then call the parents to inform them that this cannot happen again and remind them that students can only be picked up with the presentation of the pick-up card. In cases of further occurrences, the parents will be informed that the service may be suspended as they are not following the service terms & conditions.”*

Unfortunately, the person at the entrance to the centre did not follow this procedure. The person at the door and *semble* his ‘supervisor’ assumed that the complainant was some recidivist in failing to present the pick-up cards. This is confirmed by the following paragraph from the letter from the Office of the Permanent Secretary of the 6th instant, a paragraph which is simply an inversion of the process indicated in the SOP, and which is being presented by the education authorities as an excuse to justify the inexcusable:

“At the time, the staff member was unable to determine whether the absence of the authorised pick-up card was an isolated occurrence or had arisen previously and was therefore unable to safely depart from standard procedure. Allowing ad hoc exceptions in such circumstances risked undermining safeguarding consistency and fairness for the many other parents waiting.”

If the personnel at the door had no indication of this not being ‘an isolated occurrence’ then, *a fortiori*, it was a one-off (as indeed it was) and the aforementioned paragraph of the SOP should have kicked in. What happened, instead, was that for close to an hour the complainant’s children were illegally detained at the centre.

8. To be fair, the CEO of FES in his email to the complainant of the 15th December 2025, did apologise for the distress caused by the incident, but again this apology – apart from containing no admission of a mistake made by personnel of the Education Division – is undermined and whittled down with generalisations about safeguarding standards and the need for ‘consistency’ and ‘expediting’ the release process of children from the centres. Significantly it also shows the inability or the willingness of the personnel charged with releasing the children to follow an SOP and to take common sense decisions. In fact, the CEO told the complainant:

“While individual circumstances may at times seem to warrant flexibility, making exceptions, even when well intentioned, can create unintended precedents and lead to difficult or inconsistent situations. Given the size of the Qawra centre and the high turnover of staff, strict adherence to established procedures is essential. It ensures that all children are released safely and that decisions are not left to individual discretion”.

The one-glove-fits-all no-exceptions-to-be-made approach. Apart from the fact, of course, that ‘established procedures’ were *not* followed.

Conclusion and recommendations

9. In light of the above and of all the evidence examined, the complaint is fully substantiated and justified, and is being upheld. The decision not to release the complainant’s children to him on the afternoon of the 5th December 2025 was contrary to law, unreasonable and wrong in principle (Art. 22(1)(a)(b)(d) of the Ombudsman Act).

10. The undersigned recommends for the purpose of closure that the education authorities (the FES) should forthwith write to the complainant admitting that a mistake was made when the children were not released to him on the day in question and specifically reply (in writing) to the four queries referred to in paragraph 4, above.



Vincent A De Gaetano
Commissioner for Education

16 February 2026