

Report on Case No CEDUC-25-5854

The complaint

1. The complainant in this case, [omissis], is acting on behalf of [omissis], as duly authorised in writing by the said [omissis] who turned eighteen in February of this year.
2. [omissis] suffers from dyslexia, which accounts for her rather poor performance in languages in her public examinations, which is however counterbalanced by above average performance in other subjects, including science subjects and mathematics.
3. When sitting for her ordinary level and intermediate MATSEC examinations she was always granted extra time because of her condition (and, additionally, the use of an immersive reader for her ‘O’ Level exams and “room with a few candidates” for her intermediates).
4. When applying for this year’s ‘A’ Level MATSEC examinations she omitted to separately request extra time (in line with her condition), realising the omission only after she had received by post the time-table for her exams and noticing that there was no additional sheet referring to the extra time allocation (EAA). The MATSEC Board is refusing to consider her late request for such extra time.

The investigation and findings

5. As time is – in more that the idiomatic sense – of the essence in this case, the complaint, received by this Office on the 12th instant, was communicated to Pro Rector, Prof Carmen Sammut (as required by Article 18(1) of the Ombudsman Act) on the same day, with 48 hours for the University (in effect for the MATSEC Board) to explain its refusal to consider a late request for special access arrangements (EAAs), in this case, for the extra time which had always been previously granted to complainant's [omissis].

6. From the evidence gathered, it results that for her 'O' Level exams, the application form had been filled in by the private school [omissis] was attending – she has no recollection whatsoever of her filling an application form online that time – whereas for her intermediate exams she recalls filling in the application form but states that the request for EAAs was completed by her counsellor, an educational psychologist. Be that as it may, it is uncontested that for the forthcoming session of 'A' Level exams, [omissis] did fill in herself the online application, and also ticked the box, which at the bottom of page 3 of the online form states, in somewhat small print "I understand that an application for Examination Access Arrangements, if required, is to be submitted separately by my submission of Form A and other required reports. Form A may be submitted by schools for school candidates or by the candidates themselves." It is also quite clear and, in the undersigned's considered view after taking into account all the circumstances of the case, beyond any doubt that [omissis]'s failure to follow up on this box is inextricably linked to her disability (dyslexia) and the, perhaps unfortunate, fact that for previous examinations this matter appears to have been left in the hands of others. As already indicated, the complainant's [omissis] became aware that something was, indeed, missing when she received by post the time-table on the 26th of February and, after checking with friends,

realised that there was no mention of the EAAs. By the time the complainant and her daughter contacted MATSEC in connection with this omission in the first week of march, the “late registration period, which officially ended on Friday, 28th February 2025” had expired.

7. From Mr Dario Pirotta’s letter to you of the 14th instant, which you kindly forwarded to this Office today, it is clear that MATSEC’s refusal to consider, not an entirely new registration but only the side or additional request for EAAs is rooted in a rigid and inflexible application of policies and guidelines which flies in the face of the University’s avowed policies of inclusion of, and assistance to, persons with disabilities. Even if, which does not appear to be the case, the guidelines and policies quoted by Mr Pirotta were ‘law’ in the strict sense of the word, their unreasonable, unjust or oppressive application in concrete cases would still be an act of maladministration in terms of Article 22(1)(b) of the Ombudsman Act and, in any case, wrong in principle in terms of paragraph (d) of said Art. 22(1). In the instant case, the applicant’s [omissis]’s omission is, as already explained, clearly linked to her disability. From the last paragraph of Mr Pirotta’s letter aforementioned, it is clear that the only reason that MATSEC is refusing to consider this late request for EAA’s is the fear of creating a precedent – considering [omissis]’s application outside the late registration date would by no stretch of imagination, “compromise preparations, planning and operation” for the forthcoming examination session. Nor would it affect in the slightest way the integrity of the examinations. The unreasonable fear of “leading to unequal and unfair practices” is a figment of the imagination, rooted, as already indicated, in an unhealthy fear of creating a precedent, the bane of every public official tasked with making difficult decisions or decisions outside the comfort zone of what is perceived to be the only possible course of action. Precedent is not inimical to justice and fairness - a large part of the administration of justice is based on precedent. Suffice it to

mention the entire corpus of the law of equity in English Common Laws. Precedent is also essential in public administration, as it sets standards to be followed in relevantly similar situations so as to avoid injustice. Treating precedent as a bugbear is, by and of itself, an act of maladministration.

Conclusion and recommendation

8. In light of all the above and given the concrete circumstances of the case at hand, the undersigned has no alternative but to consider MATSEC's refusal to entertain xxxx's late application for EAAs as unreasonable, unjust and wrong in principle (Art. 22(1)(b)(d) of the Ombudsman At (Cap. 385)).

9. Consequently, the undersigned recommends that MATSEC forthwith consider [omissis]'s late request for EAAs (notably extra time) and, if that request is backed by appropriate certification/reports, to take the necessary steps to implement those arrangements in connection with her examinations set for late April, throughout May and early June 2025.

Vincent A De Gaetano
Commissioner for Education

17 March 2025