From: Vincent A Degaetano
To:
Cc: CEDUC; Rhoda Garland; Cassar Oreste 1 at OPM; Rocco Stephanie at MIV
Subject: CEDUC-26-7964 -- Complaint by [Omissis]
Date: 03 November 2026 11:42:59
Attachments: image002.png

Dear Ms [Omissis],

1. I refer to your complaint of the 24th July 2026.

2. The CRPD – which was considered by this Office as being the respondent entity for the purposes of the complaint in caption – was served with said complaint on the 31st July 2026 and was originally given up to the 17th of August 2026 for an initial reply. On the 27th August 2026 the CRPD submitted a 34-page initial response to the initial service.

3. On the 3rd of October 2026, the undersigned sent an Interim Opinion to the CRPD which stated, *inter alia*, the following:

> I have carefully examined your 34-page report as well as previous email correspondence between your good self and the complainant of December 2025, as well as other correspondence on the same subject between yourself and Voice for Inclusion. Shorn of all its circumlocution and the attempt to instruct me in the 'dangers' of ABA Therapy and in legal hermeneutics, your stance, in the concrete circumstances of the instant case, is essentially based on two premises: (i) that the complainant has not formally filed a request for the applicable refund for therapy sessions or Tax Credit; and (ii) that ABA Therapy in Malta is unregulated and, unless 'ethically applied' it can cause harm to both the subjects of the therapy (the children) and their parents.
>
> As to (i), I shall be directing the complainant to submit to the CRPD the necessary application form, with invoices etc. as soon as possible. For that purpose, I am copying this Interim Opinion also to the complainant.
>
> As to point (ii), the 34-page report conveniently ignores the elephant in the room: the fact that the Government pumps hundreds of thousands of taxpayers' money into funding services, provided by third parties, which are entirely ABA based (Hand in Hand and Life Map). For the Executive branch of government, of which CRPD and your good self are a part,

> the 'unregulated' ABA Therapy is acceptable when provided in the context of these services, but when parents need to provide their children with ABA Therapy elsewhere, the same branch of government raises the spectre of the possible harm to these children and vetoes the refund or the Tax Credit. If this is not improper discrimination (and, in the context of the instant case, a decision that is also unreasonable, unjust and wrong in principle), then I do not know what is.
>
> I have not the slightest doubt that your *vetitum* to the Tax Credit and/or refund in this and in similar cases is motivated by the noblest of intentions; however, it is also trite knowledge that the road to hell is paved with good intentions. In the case of the complainant the burden on her, by the refusal to refund expenses for private therapy, reaches, in my estimation, the threshold of oppressiveness since after the serious incident, of which you are aware, involving her daughter Danelle at Hand in Hand in November 2024 (and which was the subject of an investigation by the Education Division finalised in February 2005, with apparently no further action taken by the Education Authorities), one cannot reasonably expect the complainant and her husband to trust their daughter again at Hand in Hand. Their only viable and practical option is to send their daughter to private therapy at considerable financial expense. The same applies to parents of children in Gozo, where the only private therapists available all apply ABA Therapy.
>
> In sum, therefore, your veto to the refund and tax credit in this and in similar cases raises pellucidly clear and serious issues of maladministration in terms of paragraphs (*b*) and (*d*) of subarticle (1) of Article 22 of Cap. 385. It Is therefore strongly recommended that such veto should cease forthwith.

4. On the 12th Of October 2026, the Commissioner for the Rights of Persons with Disability informed this Office that it was never the CRPD's intention to veto applications for refunds for ABA Therapy indefinitely. She informed the undersigned that she had been meeting with ABA therapists and was in the final stages of confirming that the acceptable therapies which they provide will be refunded. The said Commissioner also confirmed to the undersigned that the CRPD was complying with the Interim Opinion.

5. Pursuant to further correspondence, the Commissioner for the Rights of Persons with Disabilities wrote to the undersigned on the 30th October 2026 to the following

effect:

> CRPD has been working with the ABA therapists to find a solution to this situation and I can confirm that a blanket ban on ABA therapies has been lifted. If the complainant submits their ABA therapy application it will be assessed in line with the information provided by the ABA Therapists to CRPD.
>
> In relation to applications already received and not refunded, I can confirm that all ABA therapy applications from the beginning of the scheme in 2023 have been retrieved and the review exercise has already begun. Where the required information has been provided, these applications have been included with the Q3 applications. Pending applications which did not include the relevant documentation, will be reviewed as soon as clarification is received from the ABA therapists. Refunds of these pending applications (and which are eligible) will be made within a week of receiving the additional information from the ABA therapist.
>
> Going forward I will include the list of ABA therapists who I have met with, whose therapy refund applications can be submitted, in the guidelines of the Therapy Refund Scheme and include this information on our website where the application can be downloaded. I will also inform parents that if they use a different ABA therapist they should contact CRPD and we will make contact with the therapist to understand the type of therapy they deliver so that the therapist can be added to the Approved ABA Therapist list in the application form.

6. The undersigned considers that a just and equitable solution has been reached by the CRPD both with respect to your specific complaint and as regards other persons in a similar situation. Therefore, I consider the case closed which, for statistical purposes at this end, will be classified as 'resolved by the respondent entity in the course of investigation before a final opinion is formed' (Article 17(1) of the Ombudsman Act refers).

Yours sincerely,

