Report on Case No CEDUC-25-6680

The complaint

1. The complainants are the parents of an 11-year-old (at the time the complaint was made) boy who had applied to join the National Sports School for the academic year 2025/26, with judo as his discipline. The complaint was filed within the six-month timeframe set down in Article 14(2) of the Ombudsman Act (Cap. 385).

2. For the judo discipline there were last year 4 applicants, all of whom received a PASS. However, upon the publication of the results, the complainants learned that a quota had been established and that there would only be two places allocated for the judo discipline. The complainants' son ranked as second, tied with another applicant, in the FINAL SCORE. Because of a global formula used by the admissions board of the National Sports School, the complainants' son was not admitted to the NSS. When the parents – the complainants – sought clarifications from the relevant education authorities (both of the school in question and within the Education Division), they were always told that everything had been done in accordance with the "agreed upon process", that is, with the Standing Operating Procedure (SOP) then in force. However, when the complainants asked for a copy of this SOP, this was not provided to them, and it seemed not to be publicly available anywhere.

3. The complainants' grievances refer to what they claim was lack of transparency, clarity and lack of proper access to important information in connection with the admissions process. They alleged that despite repeated

written requests to the NSS Selection Board and to the Director General, Educational Services, the SOP or SOPs applicable or documented guidelines governing the selection process were never supplied to them. There was no public information on how quotas were determined per discipline or the rationale behind allocations.

4. Of particular significance in the complaint was the allegation that while the students were asked not to wear, during their assessment, clothing which revealed their affiliation to any club or which revealed their name, two of the applicants in the judo discipline – the two applicants eventually selected – had their *sensei* (instructor/mentor) present as one of the assessors during the second judo trial.

5. The complainants also complained about the Wild Card process. In the complainants' own words:

> . *The Wild Card process was introduced four days after the final results were published. Neither we nor other parents had been informed beforehand that 44 places would be filled through the main process and 4 reserved for a Wild Card. We feel that since our son got the same final mark as the applicant that came second place, he should have qualified automatically for one of these places.*
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> · *When we asked for clarifications, the Director General informed us this process is dictated by the SOPs (not available to the public) and she confirmed that our son was on the waiting list and therefore eligible to apply. Less than a week later, a newly set-up Wild Card Panel informed us he no longer qualified, based on a criterion that had never been previously communicated, a minimum score of 90 marks in the physical test.*
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> · *This criterion clearly favours certain disciplines over others. Our son's training is focused on technical skill in Judo, not raw physical performance, yet the latter was used as a decisive factor. (It is worth noting that none of the Judo*

applicants achieved the criterion benchmark score of 90 or more in the physical test as requested by the Wild Card Selection Board). Once again, we emphasize that our son was excluded over a margin of just 0.5 marks, a difference small enough to be influenced by human bias.

6. The complaint was duly served upon the Permanent Secretary at the Ministry responsible for education as per Article 18(1) of the Ombudsman Act, with a request for a detailed response upon the various points raised by the complainants. The undersigned also received other evidence. In the detailed response from the office of the Permanent Secretary aforementioned, under the hand of the Director, Internal Audit and Compliance (Unit) (IACU), the said Director wrote as follows:

The parents confirm that an internal investigation was conducted by the Internal Audit and Compliance Unit (IACU), and the resultant conclusions endorsed the Admissions Board's decisions. The publication of the results and ranking order was transparent, based on fairness and logical criteria.

The IACU was asked to establish whether the marks scored by each judoka were fair, transparent, and based solely on the assessment given by the experts (trials and fitness tests) entrusted with the assessment process. The parents were informed of the conclusion of the internal investigation conducted by IACU, as drawn by the Director General, following correspondence from [OMISSIS] and [OMISSIS].

The IACU is responsible for reviewing internal processes within al MEYR directorates, departments, and sections. Findings and any recommendations will be forwarded to the respective directorates, departments, and sections for implementation. Any reports or any other documentation resulting from internal audits and reviews are purely of an internal nature. During the requested review,

there was no need to contact the parents, as it was based on the SOP, scoring sheets, and the process applied.

So, in the initial response of the respondent entity to this Office, everything was shipshape and Bristol fashion. But see para. 8, below.

7. It should be stated at the outset that the function of the undersigned is neither to micromanage schools or the entry or admission procedures thereto, nor to replace the marks awarded to applicants. Rule 18 of the Commissioners for Administrative Investigations (Functions) Rules 2012 (today S.L. 385.1) is clear on this score. If, however, there is "evidence of maladministration" in the process or processes leading to those results and the consequent admission or otherwise of a student or applicant to a school, then it is the undersigned's duty to point out the maladministration and, where and if necessary, make the appropriate recommendation/s. Maladministration is anything which falls within the ambit of subarticles (1) or (2) of the Article 22 of the Ombudsman Act. These include decisions which are taken against a backdrop of lack of clarity or of opaque policies or SOPs (see in particular paragraph (*d*) of subarticle (1) of Article 22.

The findings

8. To be fair, some shortcomings were subsequently admitted by the Office of the Permanent Secretary. With reference to the investigation conducted by the IACU (see para. 6, above, *in fine*), this Office requested a copy of the report drawn up pursuant to the internal investigation conducted by the IACU. In this report, addressed to the Director General, Educational Services, the Director of the IACU, while not contesting the actual marks awarded in the instant case, does allude to an arcane and unnecessarily complicated marking and computation

system. In fact, the said Director made the following comment and recommendations:

> *From meetings with the Board, the IACU concluded that some shortcomings need to be addressed.*
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> ***Recommendations***
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> *1. The Board is required to engage in an exercise to determine a comprehensive marking criterion which eliminates or at least determines fairly the placings of participants.*
> *2. The established criteria will be added to a Selection Process Policy and an SOP.*
> *3. The selection criteria must be made available to participants either by being uploaded to a relevant portal or provided as a booklet to the participants in advance.*

It is not clear whether these internal recommendations were ever taken up by the NSS. There is, however, more to be said.

9. The core complaint in the instant case was that, despite repeated requests, the relevant SOP for the NSS was never made available to the complainants. It was made available to the undersigned – why was it not made available to the complainants upon request? What was the NSS or the Director General, Educational Services afraid of?

10. Neither the Ministr's original response to the service in terms of Article 18(1) of Cap. 385, nor the IACU`s internal report, address the issue of the Wild Card mechanism. The complainants did not question why the intake for last year was 48. What they did question was why 44 places were filled through the Admissions Selection Process and 4 through the Wild Card mechanism and, especially, how quotas per sport or discipline were determined. Even the SOP submitted by the

Ministry to the undersigned with their original response – an SOP ostensibly applicable to both the MVPA and the NSS – does not answer this question.

11. Another complaint in this case preferred by the two parents in question was about the so-called "waiting list". The Ministry stated that: *"The **established procedure** provides that the runner-up in each sport discipline qualifies to replace any student who leaves the school for any reason. Should the list for a particular sport be exhausted, the next eligible candidate is drawn from the runner-up list across mixed sport discipline"* (emphasis in bold by the undersigned). How can one speak of an "established procedure" when such procedure is not in the public domain? Parents should not be expected to rely on undisclosed internal practices to understand what happens to candidates who pass but are excluded from admission due to quotas.

12. In response to the complaint described in para. 4, above, the Ministry insisted that the "coaches" or *sensei* were present only to ensure the safety of the young judokas present and that the evaluation and assessment marks were the sole responsibility of the hired foreign expert, a Cypriot, who had been recommended by the Cypriot Olympic Committee. This is a very puerile excuse. While parents were not permitted to access the premises where the trials were being conducted, they are expected to take *a bocca baciata* the school's and/or the Ministry's word that the *sensei* in no way could have influenced the marks and assessment of each athlete. In the instant case, not only were *sensei* of other applicants present but, according to reliable information, the then National Team Coach. What is at stake here is public confidence in the impartiality and integrity of the marking and assessing process, which in this case must definitely be considered to have been severely undermined.

13. Nor does the undersigned find credible the original response by the Ministry that "*the Board has consistently responded to all queries from [the complainants]*

promptly and transparently (Doc.1). It reiterates that communications concerning the Wild Card Process were sent to all parents of applicants who were unsuccessful in gaining admission to the National Sports School." The undersigned has carefully examined the vaunted Doc 1, but the exchange of emails in that set of exchanges gave only fragmentary information to the complainants. The basic issue remained: why were the applicants not informed from the outset about the full admissions structure, to wit the selection of 44 candidates through the main process and 4 through the Wild Card mechanism? The evidence shows that the complainants' son achieved the same final mark – 83 – as another applicant, yet an additional formula was applied to arrive at the 'global mark' which resulted in his exclusion. He was then excluded from the Wild Card process based on a fitness threshold that was introduced only at that stage, as other applicants with a fitness score below the new threshold had previously been admitted during the main process. In sum, the Admissions Board seems to have made up the rules *ambulando*, to the clear detriment of the complainants' son.

Conclusion and recommendation

14. As already pointed out in para. 8, above, the Ministry, through the work of the IACU – which is to be lauded – had acknowledged, albeit belatedly, that there were deficiencies which needed to be addressed. It would be presumptuous on the part of the undersigned to make detailed recommendations as to the selection, assessment and admission process, given the various sports disciplines involved.

15. For all the above reasons, the complaint is allowed (sustained) in full, since the assessment process as applied to the complainants' son was both unjust and improperly discriminatory (Article 22(1)(*a*) of the Ombudsman Act), as well as because sufficiently clear and full reasons were not given in time to the complainant

for what was essentially a discretionary power (the assessment process) (Article 22(2) of the Ombudsman Act).

16. The undersigned recommends that the recommendations made by the IACU be beefed up to ensure that the admissions process to the NSS be **fully transparent in all its details**, **that local coaches or local sports organisations do not have, or be seen to have, the possibility of influencing the admission of particular applicants, and that queries by parents on the admissions process in general or with regard to their sons or daughters are answered fully, transparently and in real time**.

Vincent A De Gaetano
Commissioner for Education

13 November 2026