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To: The Petitions Committee National Assembly for Wales

Re: P-03-204 Public Accountability and Consultation in Higher Education

I am pleased that the Petitions Committee has written to the Minister for Education Life Long Learning and skills with regard to my concerns relevant to the review of higher education governance and the issue of public consultation is going to be addressed.

However, the report 'Accountability and achievement' does not fully address the depth nor the seriousness of the issues involved. While I made a submission to the review, my request to give oral evidence was ignored and the evidence given was not published, unfortunately, this means that the public are not fully informed of what goes on inside these institutions, the reasons for the recommendations made, or the way in which our money is spent. This leads to questions regarding the scrutiny of any legislation that is going to be passed and whether Universities Wales is going to make any real difference.

With regard to the issue of public accountability, deregulation of higher education has left it open not only to abuse of position and risk taking but also the concealment of any maladministration. Currently the process of being able to take action in theory and actually doing it in practice do not exist. Under the Local Government Act 2000 the Auditor General was able to take over a higher education institution on the grounds of financial mismanagement, this was repealed under the Public Audit (Wales) Act 2004 when HEFCW took over this responsibility via a Memorandum of Understanding leaving the Wales Audit Office to verify if this had been done. This depends on the Wales Audit Office being told the whole story and if there is any doubt then there is no process whereby this can be verified.

Regulation of university governance and financial management are two separate things and as far as Lampeter and Trinity St David are concerned HEFCW has failed to address both. Therefore, with the proposed Universities Wales the power of intervention to take over a failing university is a positive step backwards. However, the Auditor General should have the power of direct investigation and intervention with regard to financial mismanagement. The Public Audit Act also took away the right of public complaint to the Auditor General and in my view this should also be reinstated.

It has been proposed that many Welsh universities will merge in the future, however; there are issues and lessons to be learned from the way in which the merger of the University of Wales Lampeter and Trinity University College was conducted. I am therefore seeking an assurance that Universities Wales will consider these issues and matters of accountability will be addressed.

I have complained to HEFCW on a number of issues and have asked for explanations, none of which was forthcoming including the following:

1. There was no required public consultation on the merger and I asked for the reasons why.
2. I complained that the review of Lampeter by Haines Watts Corporate Finance which contained some very disturbing information was deliberately withheld from the governors of Trinity University College, the BBC and the public. A complaint to the Information Commissioner was partially upheld, but the exemption that it was withheld for commercial reasons was allowed although I may make a further complaint in light of new information.
3. If such a report was withheld for commercial reasons from the shareholders of a private university then those responsible would have committed a criminal offence and found themselves in court. The public as stakeholders have every right to know what led to the failure of Lampeter, what is being done about it and for those responsible to be held to account and not paid off. I can only assume that the merger would not have taken place if the public knew what was going on and that public money could be better spent.
4. Following on from this I complained that while Welsh universities are in the public sector and therefore not subject to the same criminal law, there had been a failure to comply with the 'Seven Principles of Public Life'. The public have every right to expect the same standards of propriety from a Quango trusted with public finances as the private sector.
5. I raised the issue of the illegal payment of expenses to senior office bearers at Lampeter contrary to UK government guidelines and charity law, and in my opinion the concealment of this maladministration has led to a breach of Royal Charter contrary to the Charity Act 2006. I asked why HEFCW had dismissed previous complaints without investigating the matter according to its procedures.
6. Members of an external organisation have been instrumental in these matters and in my view acted in its own interests and in which the Chair of HEFCW holds high office, he should have considered his position as is custom and practice. Public declaration of interests is not in itself an excuse for failing to do this. If after consideration the Chair considered that his involvement did not affect his duties then it is a properly considered decision. The fact is he did not consider then at all is contrary to the proper conduct of such matters.
7. This also relates to my complaint that Lampeter obtained £18 million pounds of taxpayers' money by deception in that it failed to tell the truth regarding my objections to the Privy Council who have no powers of investigation or intervention. They had to obtain the Royal Charter in order for the merger to go ahead and was conditional upon receiving public funding. Telling lies to obtain money under any circumstances is fraud.
8. I asked for an explanation as to why HEFCW had not used existing powers to withhold public funds from Trinity St David until these matters had been investigated and appropriate action taken.
9. Not only was I totally dissatisfied with the responses from HEFCW who failed to address or answer any of the above issues, I was told that any further complaints would be ignored and I was also misled with regard to HEFCW's complaints procedure.
10. This led to another complaint concerning the CEO and Chair abusing their positions regarding the way in which these matters had been handled and their actions were in my view an act of concealment.

11. I referred the matter to a complaints panel and on the 16<sup>th</sup> of August 2011 a preliminary meeting dismissed all my complaints as being vexatious. This in effect prevented any form of accountability and these issues from being made public. I have been on this occasion correctly told that I can now refer the matter to the Public Services Ombudsman.

I would be very grateful if the Petitions Committee would ask the Minister if he considers such conduct of public business unacceptable or if he also thinks that any complaint concerning these issues is vexatious. Is similar conduct is going to apply to future merges. If the Minister does not consider this conduct acceptable what does he intend to do to remedy this situation and prevent it from happening again.

I have also complained about the conduct of HEFCW to the Auditor General and I am waiting for a reply although I accept that a full decision cannot be made until my complaint to HEFCW had run its course.

These matters raise serious public concerns regarding the elite culture within higher education that considers itself above any form of public accountability, and in turn raises the question of the membership of the proposed Universities Wales. Are independent members of the board going to be independent of higher education and bring in real world standards and ethics? What process of public complaint and whistle blowing is Universities Wales going to be put in place to incorporate an 'effective' remedy in keeping with Article 13 of the European Commission on Human Rights ECHR.

I am greatly concerned by the recommendation of the review 'Accountability and achievement' that Universities Wales is to be the regulator under the Charity Act 2006. The Charity Commission is totally independent of government and the review should not have made the assumption that it can simply assume this role. I will take up this matter with the Charity Commission using the recent complaint to HEFCW as a reason why it is not in the public interest for Universities Wales to take up this position and for the Charity Commission to remain the regulator. I am concerned that my complaint concerning Trinity St David being in breach of its Royal Charter, which could lead to it losing its charitable status, will go the same way as my complaints to HEFCW.

Yours sincerely

Trevor Mayes