



**Tom Middlehurst AM**

Assembly Secretary for Education and Training  
Ysgrifennydd y Cynulliad dros Addysg a Hyfforddiant

**Ysgrifennydd y Cynulliad · Assembly Secretary**  
**Cynulliad Cenedlaethol Cymru**  
**The National Assembly for Wales**

Our ref: TM 00701/00  
Your ref: GLH/RDGW/JEP

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// September 2000

*Dear Gordon*

Thank you for your letter of 1 August in which you express your concern about the way the issues at the North East Wales Institute of Higher Education (NEWI) have been dealt with by the National Assembly for Wales.

Let me first of all say that I am fully aware that higher education institutions are autonomous independent bodies with responsibility for determining their own day to day administrative and academic affairs.

However, I am also equally aware of the fact that higher education institutions receive substantial, and increasing, amounts of public funds. As such, they are fully accountable for those funds and are required to have effective governance and management structures in place to ensure proper accountability for and transparency as regards the use of the public money made available to them. There can be no departure from that, regardless of the status of higher education institutions as autonomous, independent bodies.

Usually the Assembly would deal with a complaint made against a Welsh higher education institution by referring it back to the institution in question, normally through the Higher Education Funding Council for Wales, for it to be considered under that institution's internal complaint procedures. You can be assured that this will continue to be the usual practice in the case of most complaints.

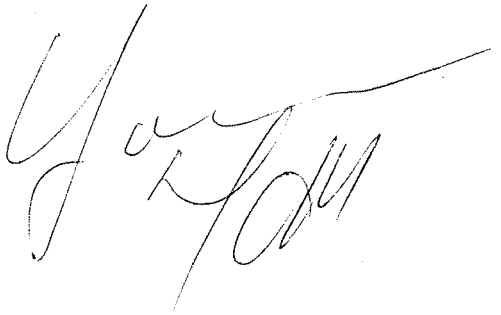
However, I remain of the view that the circumstances of the NEWI allegations were such that there was full justification for the decision to handle the complaints in the way we did. As stated in my letter to Professor J O Williams, having regard to the seriousness of some of the allegations made, the fact there was a strong suggestion that confidence had broken down in the way NEWI's procedures were being operated, and many of the allegations were levelled at the Institute's senior management, I felt it important that the matters should be fully and properly investigated and that the most appropriate way was for the Funding Council to undertake the investigation.

I feel fully vindicated by the outcome of the audit investigation. Whilst the audit team found no instances of financial impropriety or misuse of public funds at NEWI, the findings of the investigation did however substantiate many of the allegations made in relation to human resources policies and procedures and highlighted inconsistencies and inequities in the management of individual staffing issues. I am sure, therefore, you would not seek to disagree that there were serious issues at NEWI that needed to be investigated and addressed in a way that carried the confidence of the staff and students there and the public generally, and I do not believe that would have been achieved if the allegations had been investigated by NEWI's internal complaints procedures.

Therefore, whilst I understand the concerns you have expressed in your letter, I must re-iterate that higher education institutions are accountable for the substantial and increasing sums of public money they receive. It is essential that they have effective governance and management structures in place in order to do so. Furthermore, the staff and students of those institutions and the general public must have confidence in those governance and management structures. At the end of the day, as I am sure you will appreciate, confidence in the way Welsh higher education institutions are governed and managed is crucial to the success of the Welsh HE sector. The actions of the Assembly in relation to NEWI were aimed at restoring and maintaining that confidence.

With regard to your point about the difficulty of the Chairman of NEWI over disclosing the NEWI Report to an Industrial Tribunal, my officers have been contacted by Eversheds Solicitors, who I understand are acting on NEWI's behalf, on this matter. Eversheds have been advised that the Assembly has no objection to NEWI disclosing the report to the Tribunal although thereafter whether or not the report is released to the applicant is left for the judgement of the Tribunal. Furthermore, if the Tribunal does decide to release the report to the applicant, it may wish to consider attaching a condition that it is not disclosed to third parties.

I note that you have placed a copy of your letter in the Library of the National Assembly. I am similarly placing a copy of this reply in the Libraries of the Assembly at Cardiff Bay and Cathays Park.

A handwritten signature in black ink, appearing to read 'Gareth Jones', written in a cursive style.