



S1713294 - DES reply re UL terms of reference

Cannon, Stacey

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From: "Cannon, Stacey" <Stacey_Cannon@education.gov.ie>

To: "PAC@oireachtas.ie" <PAC@oireachtas.ie>,

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2 Attachments



S1713294 UL_001.pdf

Hi Margaret

Please find attached reply from Mr. Seán Ó Foghlú to your letter of 11th May 2017 re UL independent review terms of reference.

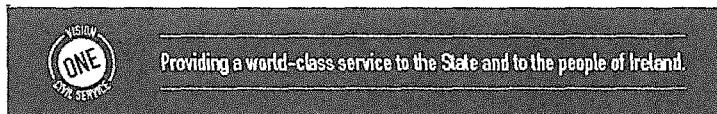
A hard copy of this letter will follow in the post.

I would be grateful if you could acknowledge receipt of this email.

Kind regards
Stacey

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Oifig an Ard-Rúnaí
An Roinn Oideachais agus Scileanna

Ms Margaret Falsey
Committee Secretariat
Committee of Public Accounts
Leinster House
Kildare Street
Dublin 2

Office of the Secretary General
Department of Education and Skills

Ref No: S1713294

(2) May 2017

Dear Ms Falsey

Thank you for your letter of 11 May 2017 in respect of the independent investigation at the University of Limerick by the Department of Education and Skills. I want to acknowledge the important role of the Public Accounts Committee in bringing forward issues arising in this context.

As you know, this has been a protracted and difficult process and the Department is pleased that the University of Limerick has now requested that the Department arrange for the undertaking of this independent review. The Department and the HEA have now finalised terms of reference for the independent review and appointed Professor Richard Thorn, Emeritus President of Institute of Technology Sligo to undertake the investigation. I now attach these terms of reference for the information of the Committee. The Higher Education Authority has been in contact with the disclosers on this matter.

While it is important that the responsibility for and governance of this investigation be clearly seen to rest with the Department of Education and Skills, I am asking the independent reviewer to consult with members of the PAC given their involvement in the process to date.

Yours sincerely,

Seán Ó Foghlú
Secretary General

**Terms of Reference for Independent review of certain matters and allegations
relating to the University of Limerick**

Background

In October 2015 the Higher Education Authority ('HEA') commissioned Mazars to conduct a review of the processes employed by the University of Limerick ('the University') to inquire into the allegations made by serving and former members of staff in the Finance Office of the University. The persons concerned made the allegations as part of protected disclosures to the HEA under the Protected Disclosures Act 2014. The Mazars report (Appendix 1) was published by the HEA in February 2016. In addition, the HEA has received a number of other protected disclosures and allegations relating to the University.

Arising from the publication of the Mazars report there followed a process of engagement between the HEA, Department of Education and Skills ('the Department'), the disclosers and the University. Sia Partners were appointed by the HEA to establish whether a facilitated intervention might offer a way out of the difficulties caused by disputes at the University but concluded that such an intervention would be highly unlikely to be successful. The Department and HEA are of the view that the matters in question are an ongoing cause of concern and require further review.

In addition to the above, the Department was made aware in 2015 of unsanctioned severance payments made to two staff members in the University in 2012. These payments only came to light in the context of a C&AG Special Report on the Management of Severance Payments in Public Sector Bodies. During a hearing of the Committee of Public Accounts in March 2017 senior officials of the University provided details to the Committee which varied with the Department's understanding of the situation surrounding the severance payments.

The University has also communicated to the Department its view that an independent review of these matters now be carried out. On that basis, the Department and HEA have decided to commission an independent reviewer to identify, investigate and report on the allegations made and on issues relating to Public Pay Policy and Governance.

Terms of Reference

The terms of reference of the review are as follows:

1. The reviewer will receive details of the allegations from the disclosers and any other persons who feel that there are matters of concern or of public interest relating to the University of Limerick that need to be addressed.
2. Where appropriate, the reviewer will interview or consult with the disclosers, other persons and relevant members of staff in the University in relation to the matters identified. The reviewer may revert to any party if further clarification or information is required.
3. On the basis of the information received, the reviewer will:
 - Determine whether the allegations require further examination and whether, on the balance of probabilities, the allegations are well-founded;
 - Where allegations have been determined as well-founded, prepare a report that shall make findings or recommendations on the steps to be taken by the University including governance, HR, financial and administrative processes as well as overall organisational culture;
 - Examine the application of wider HR policies and processes in the University. This will cover the governance arrangements and practices around the use of severance payments.
 - Consider specifically and report on the recommendations in the Mazars report which have yet to be implemented.
4. The reviewer will consult with the Department and HEA as required and provide regular updates to them.

5. The reviewer will present his/her final report, including any findings or recommendations, to all parties (the disclosers and other persons, the University, the Department and the HEA).

Approach to the Review

The HEA will oversee the review and will commission an appropriate independent external reviewer to conduct the exercise. It is estimated that the review will take 20-25 working days to complete. The HEA Executive will support the reviewer in general administration, analysis of material and gathering of relevant data as required.

All parties will collaborate fully with the review and respond promptly and in full to requests from the reviewer for information, documents and other records.

Timeframe

It is expected that the review will be completed by 30th September 2017. In the event that it is not practicable to make a final report within this timeframe, an interim report will be provided.

Department of Education and Skills

12 May 2017