

8 November 2010

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Dear Dr Thornton

**F2010/2896**

Thank you for your detailed draft article summarising the events concerning a member of staff and a student at the University of Nottingham. In your covering letter you ask HEFCE to take 'appropriate action'.

HEFCE has no role in the matters alleged to have affected the two individuals, including defamation, discrimination and wrongful arrest, and we infer therefore that the action you are seeking is in respect of University management.

Within the partially completed 'HEFCE public interest disclosure form for submitting allegations about higher education institutions' you cite paragraphs 12 "fair treatment" and 15 from HEFCE's Financial Memorandum(FM) as being relevant to your allegation. These references seem to relate to the 08/09 version of the Financial Memorandum, rather than the most recent version (HEFCE publication July 2010/19).

In your covering letter and article you allege that the University's management mishandled the events surrounding the discovery of a document on one of the individual's computers. Your allegation seems to be that the measures senior managers took were misjudged or malicious and that this was then compounded by a subsequent conspiracy to cover-up management failings.

The decision HEFCE needs to take is whether this matter is sufficiently within its orbit to warrant further enquiries. In order to determine whether this is the case I have taken careful note of our role and have concluded that the circumstances you have described are not within our remit to investigate further. I have provided some background information below to explain this position.

HEFCE has a duty to ensure that universities in receipt of public funds provide value for money and are responsible in their use of these funds. We also ensure that the funding we distribute accurately reflects what is delivered. In addition, we now act as the principal regulator for those universities and colleges that are exempt charities, advising the Charity Commission where appropriate. We aim to reduce the accountability burden on institutions by enabling other public bodies, wherever possible, to rely on our systems of oversight and assurance.

HEFCE is also legally responsible for making sure that the quality of learning and teaching is assessed in each university and college across England. We also assess the quality of research, enabling us to fund research selectively by supporting excellence wherever it is found.

As accounting officer, the chief executive of HEFCE has a personal responsibility to safeguard public funds and achieve value for money as set out in HM Treasury guidance, 'Managing Public Money'. This includes responsibility for the public funds allocated by the Council to higher and further education institutions and other bodies for education, research and associated purposes.

Higher education in England is made up of a diverse range of institutions of varying size and complexity. To give expression to the principle of autonomy, every institution is headed by a governing body which is unambiguously and collectively responsible for overseeing the institution's activities, determining its future direction, and fostering an environment in which the institutional mission is achieved and the potential of all students is realised. The governing body ensures compliance with the statutes, ordinances and provisions regulating the institution and its framework of governance. HEFCE funding is provided explicitly to the governing body as the institution's ultimate authority. The chair is responsible for the leadership of the governing body and the executive head of the institution (usually the vice-chancellor or principal) is responsible for the leadership of academic affairs and management of the institution.

All of the harm that is alleged to have befallen individuals in this case is subject to other legal remedies or regulatory oversight, for example, your concerns that some of your personal data has not been released to you is for the Information Commissioner to consider. If you or the individuals concerned still have a complaint against senior management then that is a matter for the University's complaints system. Ultimately, if you are right and disciplinary action is warranted against senior officers then as an autonomous chartered body that is a matter for the University Council, not for an external body such as HEFCE.

With regards to our own responsibilities, the link between HEFCE's FM and the disclosure is extremely tenuous. There is no clear evidence that public money has been wasted or that there are systemic management failings within the institution. If you do

have evidence that this is the case then this would provide a basis for discussions with the University.

I would like to thank you for raising these concerns with us and appreciate the time and effort that you have gone to.

Yours sincerely

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

Paul Greaves  
Head of Assurance