

Response from the President of the University of Limerick to the Chief Executive of the Higher Education Authority to the Thorn Report (Independent Review of Certain Matters and Allegations Relating to the University of Limerick)

Introduction

From the beginning of my tenure as 5th President of the University of Limerick I had endeavored to obtain a clear view of issues that had been raised repeatedly by regulatory agencies and by the media for more than 4 years. After much thought, I concluded that an independent review was necessary. I welcome the Thorn Report as a comprehensive analysis of these issues and of grievances by former and current staff. The report allows the University to face up to its past and to guide the development of a governance and management that will help realise an ambitious future and prevent these issues happening again.

Most importantly, it gives voice to those who have been treated unfairly and casts a light on poor practices and decisions. The University accepts that it has made serious mistakes and I, on behalf of the University and the staff, unreservedly apologise for the hurt caused to those affected. Most importantly, individuals suffered as a result but there were wider effects, on the trust of the public, state bodies and of the media.

In considering my response to the Thorn report there are a number of overriding thoughts that are important to share from the outset in these introductory paragraphs:

1. The issues raised in the Thorn report are legacy issues, i.e. they represent a series of incidents, lapses and behaviours that occurred in the past and that are at odds with the thinking and behaviour of an overwhelming majority of those in the University.
2. UL took the unprecedented step of requesting an independent review because public trust in the management of the institution had evaporated. It was my overwhelming concern that a clear enunciation of these problems would serve to protect the academic reputation of the University.
3. The exhaustive and unlimited examination of human resources, finance and governance identifies a number of serious errors and poor practices. These were and are unacceptable. They are nevertheless confined to a relatively small number of instances over a period of 10 years in an academic institution of 15,000 students and 1,400 staff that has a very strong reputation nationally and internationally and enjoys unprecedented support in its home region of Limerick and the Mid West.
4. It is critical for the leadership of the University of Limerick to be exemplary in its management and governance given the trust placed in the University by the public and by the State. It is a major priority for me that we regain that trust, a trust that underpins our institutional independence and academic autonomy.

5. I want to apologise also to the staff, students and alumni of the University of Limerick. An overriding impression I have of the people in the University and its graduates is one of commitment and ambition. They are immensely proud of the University. They have worked hard to create the University of Limerick and to make it the great University that it has become.
6. I also wish to apologise to the people of Limerick and the Mid West. You have had to look on as we have struggled to deal with all of the issues that have come to light. I particularly want to thank the *Limerick Leader* for its reporting on the issues and I wish to apologise for the misguided legal action taken against it and its editor.
7. The HEA has requested that a component of the Thorn Report be examined further. The University examined this component in the 'Deloitte Report', an internal audit that was completed in September 2017. The Deloitte Report was provided to Dr. Richard Thorn during his review. We will continue to support his work in this and in any way we can towards having the entire independent review completed by early December.

Response to each of the 10 Recommendations

1. ***The University should ensure that an MOU covering the use of HR services and policies, and any other relevant services and policies, by a subsidiary company, exists between the University and the company. (5.4.4 page 35)***

MOUs will be put in place where required for all subsidiaries by end January 2018.

2. ***The University should ensure that there is clarity on the processes employed when staff are being redeployed. (5.6.5 page 37)***

The current policy and procedures were put in place in January 2009. They will be reviewed and updated to ensure they are clearer by end March 2018.

3. ***The University should prepare a comprehensive and accurate account of all severances agreed and the circumstances surrounding and reasons for those severances. (6.2.9 page 50)***

Comprehensive details have been provided in the Deloitte internal audit report.

The account should be forwarded to all relevant stakeholders including the C&AG, Department of Education and Skills, HEA and

Public Accounts Committee within one month of the publication of this report. In preparing this account, the University should circulate the Deloitte internal audit report, together with its management responses, to the stakeholders noted above on a confidential basis. (6.2.9 page 50)

The Deloitte report will be circulated on a confidential basis to the noted stakeholders by 8th December 2017.

4. ***Statute 4 should be reviewed to ensure its fitness for purpose. The review should, at minimum, and where possible, specify thresholds for gross misconduct, provide for an accompanying robust decision-making process that is transparent and documented, provide a clearer process in respect of probationer staff, and allow for an appeal process that, while overseen by the Governing Authority, allows that body be aware of the initiation of and general circumstances surrounding disciplinary action under the statute. (7.2.9 page 87)***

This work has already commenced and the changes to the statute will be brought through the consultation and approval processes stipulated in the Universities Act.

5. ***Procedures, or a provision in the contract, should be adopted for dealing with alleged misconduct by non-University contract staff. (7.2.9 page 87)***

From now on this will be dealt with by a provision in the contract which will be negotiated as part of all new contracts. Where this needs to be supported by procedures these will be developed and improved in response to issues that arise.

6. ***Relevant staff and the University should individually and collectively acknowledge that the standards expected in the HR policy and procedure implementation have fallen short of the standards expected in the University and commit to ensuring they will address the shortcomings. (7.4.3 page 89)***

The University acknowledges that it has fallen short of the standards expected in HR policy and procedure implementation. The President and the University apologise unreservedly for these lapses. The University is committed to putting in place and implementing an action plan to address these shortcomings and to treating these issues with the utmost seriousness. We will learn from this experience and be a better organisation as a result.

7. ***While many of the recommendations made in this, and other reviews, will help to address the issues identified, and should be implemented, they generally address individual policies and not the***

management structure within which such policies are considered, reviewed and implemented. The University is a large and complex organization. With almost 16,000 staff and students it is inevitable that staff and student issues will arise. To address this complexity the University should consider the management structure and systems adopted for implementation of the HR policies and procedures in addition to consideration of the management and implementation of specific policies and procedures as recommended in this and other reviews. (7.4.4 page 90)

The University has already made significant changes to its senior management structures in response to these issues and the challenges of the future. Prior to these changes the University had delegated significant responsibility to a single role.

This responsibility has now been split into two Vice President roles and the Executive Deans now report directly to the President – previously all these roles reported to one individual. The two Vice President roles are the Chief Operating Officer and Registrar (COOReg) and the Vice President for Academic Affairs and Student Engagement (VPAASE). This split in responsibility will allow more focus to be brought to the portfolios and will be the start of a change process. Both positions have been filled by candidates new to the University. The direct reporting of the VPAASE and Executive Deans to the President will ensure the academic mission of the University is given the most significant position in the structure. To complement this and to emphasise the importance of the development of the governance and management structures and processes and to ensure the highest standards of support of the academic mission the COOReg will also assume the role of Deputy President.

In the next phase of management restructuring the University will undergo a review of the management structures and systems adopted for the implementation of the HR policies and procedures to ensure they are sufficient to meet the future needs of the University. This will be procured within the next few weeks and completed within 3 months of appointment of the successful tenderer.

In the more immediate term and with respect to the implementation of the recommendations of this report this will be the responsibility of the Chief Operating Officer and Registrar who will report on day to day progress to the President.

8. The Review recommends that a formal process for tracking action items arising from Governing Authority meetings be established. (8.9 page 94)

This was put in place before the report was issued.

- 9. This review recommends that the President, or a designated nominee, reports on the implementation of the recommendations in the reports noted above to the Audit and Risk Committee on a quarterly basis. (9.4 page 116)**

To demonstrate the seriousness with which the University takes these issues the President will undertake this task.

- 10. This Review recommends that the Audit and Risk Committee is delegated with the responsibility for tracking implementation of the recommendations and in reporting to the Governing Authority in the normal manner. The reporting should continue for a minimum of three years and thereafter until such stage as the Governing Authority is satisfied that the recommendations have been implemented. (9.4 page 116)**

The Audit and Risk Committee has already taken responsibility for reviewing the implementation of the Mazars and Deloitte reports and this remit will be extended to the Thorn Report.