Sarah Cremin

From: Orla Christle <orla@hea.ie>
Sent: Thursday 4 July 2024 18:28
To: Public Accounts Committee

Subject: RE: Correspondence from the Committee of Public Accounts

Attachments: HEA to PAC ref S1771 PAC33.pdf; 1. HEA-UL_29.01.24.pdf; 2. HEA-UL_31.01.24.pdf; FW: 503010510 - UL Property Acquisition Procedure; FW:

503010714 - Capital Acquisitions Procedures Review in UL - Review of Email; RE: Correspondence from University of Limerick; 6. HEA-UL_

26.03.24.pdf; 7. 09_02_2024_HEA_DFHERIS Quarterly Meeting_Q4 2023 Minutes_Redacted.pdf; Summary of Return.xlsx

Categories: Correspondence for future meetings

----Original Message-----From: Orla Christle

Sent: Thursday, July 4, 2024 6:22 PM

To: 'Public Accounts Committee' <pac@oireachtas.ie>

Subject: RE: Correspondence from the Committee of Public Accounts

Resending in case and grateful for confirmation that received.

----Original Message-----From: Orla Christle

Sent: Thursday, July 4, 2024 6:17 PM

To: Public Accounts Committee <pac@oireachtas.ie>

Subject: FW: Correspondence from the Committee of Public Accounts

Dear Sarah

I received the message below in response to email I sent a short while ago with an attached letter and a zip file of documents.

Let me know if you have received the information or if I need to resend.

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- 1	m	а	m	KS

Orla

----Original Message-----

From: postmaster@oireachtas.ie <postmaster@oireachtas.ie>

Sent: Thursday, July 4, 2024 6:10 PM To: Orla Christle <orla@hea.ie>

Subject: Undeliverable: RE: Correspondence from the Committee of Public Accounts

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From: Orla Christle

Sent: Thursday, July 4, 2024 6:10 PM

To: Public Accounts Committee <pac@oireachtas.ie>

Subject: RE: Correspondence from the Committee of Public Accounts

Dear Sarah

Please see attached correspondence in response to the request from the Committee (Ref: S1771 PAC33).

Kind regards

Orla

Orla Christle Head of System Governance

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us%2Fdata_protection%2F&data=05%7C02%7Cpac%40oireachtas.ie%7C01e1c83882e34cbb50dc08dc9c4eb38a%7Cce71ecf00b9747b2966cb4ecc8db23f2%7C0%7C0%7C638557109721651303%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=YJHMKI3KBJmKtltxmttnvRO3clWtOnNakN6jrKmXKsg%3D&reserved=0>

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[By Email Only]

Committee of Public Accounts Leinster House Dublin 2

04 July 2024

Ref: S1771 PAC33

Dear Sarah,

I am writing with regard to the meeting of the Oireachtas Committee of Public Accounts ('the Committee') which took place on 9 May 2024 in respect of Financial Statements 2022 for the University of Limerick (UL) and the subsequent request from the Committee to the Higher Education Authority (HEA) on 28 May 2024, and as directed with reference to the transcript, which sought the following:

- 1. Copies of documentation in relation to correspondence and phone calls between the HEA and the University of Limerick (UL) regarding the initiation of discussions by the HEA with UL regarding UL's purchase of properties in Rhebogue, Co. Limerick once concerns were raised.
- 2. Copies of documentation in relation to correspondence and phone calls between the HEA and the Department of Further and Higher Education, Research, Innovation and Science regarding UL's purchase of properties in Rhebogue, Co. Limerick once concerns were raised.

In that regard, please find attached, as per your request, the relevant documentation. To clarify the sequence of events for the Committee, the HEA met with UL on 24 January 2024 in relation to a separate student accommodation proposal ('Dublin Road') which the Department of the Further and Higher Education, Research, Innovation and Science (DFHERIS) had requested the HEA engage with the University on. The Dublin Road proposal was under consideration for possible Exchequer funding under the Student Accommodation Short Term Activation Programme at the time. It should be noted by the

R2717 (ii) PAC33

HEA AN TÚDARÁS UM ARD-OIDEACHAS HIGHER EDUCATION AUTHORITY

Committee that this proposal is not being progressed at this time and no Exchequer funding has been allocated to this project.

At this meeting, UL referenced that the University was dealing with a potential planning matter in respect of the Rhebogue property, which they had previously acquired, but that the matter was not significant. Awareness of this matter and in the context of the previous issues arising with the Dunnes Stores acquisition, this gave rise to concerns by the HEA about the due diligence process that had been carried out by the University on the Rhebogue property transaction. In that regard, the HEA wrote to UL on 29 January 2024 commencing an examination of the University's policies and procedures for property transactions and advising that the HEA would select a specific property transaction to review in detail. As the Committee are aware, the HEA did subsequently review the Rhebogue transaction specifically, resulting in the initiation on 26 March 2024 of a process under Section 64 of the Higher Education Authority Act 2022 due to the significant concerns arising from same.

In relation to the correspondence between the HEA and the DFHERIS, the HEA formally advised the Department on 9 February 2024 that the HEA was undertaking a review of UL's acquisition policies and procedures in the context of the Rhebogue acquisition.

Yours sincerely

Orla Christle

Head of System Governance



Mr. Andrew Flaherty Chief Commercial Officer University of Limerick Co. Limerick

[By Email Only]

29 January 2024

503010714 – University of Limerick – Review of Property Acquisition Procedures

Dear Andrew,

I refer to the University of Limerick's (UL) policies and procedures for the acquisition of buildings and property.

As you are aware the Higher Education Authority (HEA) had significant engagment with the University over the course of 2021 and 2022 on the process undertaken to provide the HEA with assurances that the governance improvements in relation to the abovementioned polices and procedures, were functioning as intended.

In that regard, I am writing to advise that the HEA propose to undertake a general review of the University's policies and procedures in relation to the acquisiton of buildings and property. It is intended that this review will include all stages of the acquisition process, as per the relavent requirments, including Circular 17/2016: Policy for Property Acquisition and for Disposal of Surplus Property to completion, or otherwise, of a transaction as well as alignment with internal governance policies and procedures.

We will be in touch in the coming days to request the relavent infomration and to schedule a initial meeting as required.

Yours sincerely,

Ciarán McCaffrey

Head of Capital Programmes

cc: Elaine Vaughan, Senior Manager, HEA



Prof. Kerstin Mey President University of Limerick Co. Limerick

[By Email Only]

31 January 2024

503010714 - University of Limerick - Update on City Centre Campus

Dear President,

I acknowledge receipt of your correspondence dated 31 January 2024 enclosing an update on issues in respect of University of Limerick's (UL) City Centre Campus.

This correspondence and the matters enclosed have been brought to the attention of the Chief Executive Officer (CEO) of the Higher Education Authority (HEA). As you are aware, the HEA wrote to UL's Chief Commerical Officer on 29 January 2024 regarding a HEA review of the University's policies and procedures in relation to the acquisition of buildings and property, and the matters outlined in your letter will now be considered as part of this body of work.

Yours sincerely,

Ciarán McCaffrey

Head of Capital Programmes

cc: Elaine Vaughan, Senior Manager, HEA

Sarah Cremin

From: Ciaran McCaffrey <cmccaffrey@hea.ie>

Sent: Friday 31 May 2024 11:36

To: Elaine Martin
Cc: Elaine Vaughan

Subject: FW: 503010510 - UL Property Acquisition Procedure

From: Ciaran McCaffrey

Sent: Tuesday, February 13, 2024 8:54 AM **To:** Andrew.Flaherty <Andrew.Flaherty@ul.ie>

Cc: Elaine Vaughan <evaughan@hea.ie>

Subject: RE: 503010510 - UL Property Acquisition Procedure

Hi Andrew,

I hope you are keeping well.

Further to our conversation last week, we would request that you send across all UL documentation in relation to the Institutes procedures for acquisition of property, along with information on when said procedures(s) were adopted/implemented by the University. I would be grateful if you could send the relevant documentation by email to myself and Elaine (in copy) by COB if possible.

On review, the HEA may issue a further request for additional/supplementary information as required, in the coming day. It may also be necessary to schedule a meeting in the coming days to discuss/clarify matters, and if so, we will liaise to identify a suitable lot.

Feel free to give me a call to discuss if required.

Kind Regards, Ciarán

From: Ciaran McCaffrey

Sent: Monday, January 29, 2024 10:36 PM **To:** Andrew.Flaherty < Andrew.Flaherty@ul.ie>

Cc: Elaine Vaughan < evaughan@hea.ie >

Subject: 503010510 - UL Property Acquisition Procedure

Dear Andrew,

Please find attached correspondence in relation to a review of University of Limerick (UL) property acquisition procedures.

I will follow up shortly with a request for information; however, in the meantime should you have any queries, do not hesitate to get in contact.

Kind Regards, Ciarán

Sarah Cremin

From: Ciaran McCaffrey <cmccaffrey@hea.ie>

Sent: Friday 31 May 2024 11:37

To: Elaine Martin
Cc: Elaine Vaughan

Subject: FW: 503010714 - Capital Acquisitions Procedures Review in UL - Review of Email

Attachments: 503010714_B.1_Property Transaction Review_Query Schedule.pdf; 503010714_Document Schedule_To be completed by UL.xlsx

From: Ciaran McCaffrey

Sent: Thursday, February 29, 2024 3:17 PM **To:** Andrew.Flaherty <Andrew.Flaherty@ul.ie>

Cc: Elaine Vaughan <evaughan@hea.ie>; Emily Cunningham <ecunningham@hea.ie> **Subject:** 503010714 - Capital Acquisitions Procedures Review in UL - Review of Email

Dear Andrew,

The HEA are progressing with the review of the UL procedures for property transactions and have identified additional information required. It should be noted that the HEA will also consider a property transaction(s) as part of the review. The review will consider the Rhebogue property transaction in the first instance and may also consider further property transactions in due course, if required. To facilitate the progression of the review, we have identified an indicative list of information required and articulated this in the attached document.

In order to progress this review, the HEA would request that you upload all relevant documentation to this MS Teams file (503010700-HEA -UL - Capital Programmes | 503010714 - HEA Review of Policies and Procedures | Microsoft Teams). The HEA further request that the schedule (attached) is completed for all uploaded documents submitted by UL, with each file saved with the relevant reference number from the 'Document Schedule' (e.g. UL002). We would request that documentation previously provided by UL is also included on the 'Document Schedule' and uploaded to the MS Teams file.

The HEA will provide access to the MS Teams file for any UL staff member required. The email address (s) should be sent to Elaine Vaughan evaughan@hea.ie.

We are keen to progress this as soon as possible and would request that all documents are uploaded as soon as possible, but not later than COB Tuesday 5th March.

If you have any queries, do not hesitate to get in contact.

Kind Regards, Ciarán

Sarah Cremin

From: Alan Wall <AWall@hea.ie>
Sent: Friday 22 March 2024 15:40

To: president@ul.ie

Cc: Orla Nugent; Pearl Cunningham; Ciaran McCaffrey; Orla Christle; Maurice Moynihan

Subject: RE: Correspondence from University of Limerick

Dear President,

Thank you for your letter. As you are aware, the HEA has commissioned an investigation into this acquisition, and that work is close to conclusion. Arising out of the initial findings, and given the issues raised in your letter, I am concerned that this capital acquisition has been so problematic, particularly in the light of the Dunnes Site experience, and the governance changes recommended in the aftermath and subsequently adopted and agreed by UL.

While I appreciate that UL is an autonomous institution, and that this is a University investment in student accommodation, given the previous history, it is nevertheless my intention to consult the Board of the HEA on these matters at the earliest opportunity. I will revert more formally on these issues after the HEA board meeting. I am also awaiting the ARC report on the acquisition. This will further help to frame our approach to the matter.

Best regards

Alan

Dr Alan Wall

Chief Executive Officer

The Higher Education Authority / 3 Shelbourne Buildings / Crampton Avenue / Shelbourne Road / Dublin 4 D04C2Y6, Ireland An tÚdarás um Ard-Oideachas / 3 Áras Síol mBrain / Ascaill Crampton / Bóthar Síol mBrain / Baile Átha Cliath 4 D04C2Y6, Ireland

Phone: 353-1-2317 100 / www.hea.ie / @hea_irl

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Má fhaigheann tú an r-phost seo lasmuigh de ghnáthuaireanta oibre, níltear ag súil go bhfreagróidh tú go dtiocfaidh tú ar ais chuig an



From: president@ul.ie From: president@ul.ie Sent: Friday, March 22, 2024 2:44 PM

To: Alan Wall < AWall@hea.ie>

Subject: Correspondence from University of Limerick

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Dear Dr Wall

On behalf of President Mey, please find attached letter for your information.

Kind regards Leah

Leah Fennell Bainisteoir Oifige | Office Manager

Oifig an Uachtaráin | Office of the President

+353 (0) 86 1672880 leah.fennell@ul.ie

ul.ie

Ollscoil Luimnigh, V94 T9PX, Éire University of Limerick, Limerick, V94 T9PX







Tabhair faoi deara go bhféadfaí díriú ar theachtaireachtaí ríomhphoist chuig an Ollscoil, ón Ollscoil nó lastigh den Ollscoil féin mar ábhar d'iarratais faoin Acht um Shaoráil Faisnéise 2014 agus/nó faoi an GDPR / na hAchtanna um Chosaint Sonraí.

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BY EMAIL ONLY

Professor Brigid Laffan, Chancellor, University of Limerick, Limerick, V94 T9PX

CC: Professor Kerstin Mey, President, University of Limerick

26 March 2024

Ref: S.64 Review of Matter and Report to the HEA

Dear Professor Laffan.

As you may be aware, The Higher Education Authority ("HEA") commenced a preliminary examination into the University of Limerick ("UL") acquisition of the Rhebogue property as notified to UL on 29 January 2024.

On consideration of this review, and in the context of previous work the HEA has undertaken with UL with relation to the Dunnes Stores' site, I am writing to you to communicate my deepest concerns in relation to the governance and culture of the institution and to the potential impact on the reputation and financial stability of the University.

These matters are in addition to those communicated by the President in the letters of 8 February 2024 and 22 March 2024 which included issues relating to Stamp Duty and an impairment of €5,225,124. It is my opinion that these urgent matters are of significant concern and are indicators of continued governance and compliance challenges for UL. These issues include, but are not limited to:

Governance Issues

- Based on the evidence provided by UL, it would appear that the University actively progressed the Rhebogue acquisition in the absence of a formally approved property acquisitions policy, as recommended in the KPMG report. The new acquisition policy was approved by the GA in June 2022, however the Rhebogue acquisition was substantially progressed prior to this approval.
- Based on the documentation provided by UL, it appears there is a discrepancy between the purchase price the Governing Authority (GA) understood they approved (3 August 2022) and the contract price agreed between UL and the Vendor (contract signed 12 August 2022).
- Based on the documentation provided by UL, the Contract amendment, approved by the President (17 May 2023) was not brought to the attention to the Executive Committee, Finance, Human Resources, Asset Management Committee (FHRAMC) or the GA, with the supplemental agreement between the UL and the Vendor signed on 2 August 2023.
- Based on the documentation provided by UL, it would appear that the extent of the due diligence commissioned by UL in respect of planning matters, was not disclosed to the Executive Committee or GA at key stages in the approval process.



Procedural / Business Case

- Based on the information provided, UL have not demonstrated compliance with the Public Spending Code, Circular 17/2016 or their internal procedures in undertaking the Rhebogue acquisition.
- UL have not presented evidence of undertaking a sufficiently comprehensive or robust Business Case to support the acquisition of the Rhebogue property.
- UL did not present evidence that the University undertook a systematic appraisal of the available student accommodation options, despite alternative options being referenced at various stages in the process.
- Based on the documentation provided, the FHRAMC were advised on 21 March 2022 that a
 Cost Benefit Analysis and/or a Multi-Criteria Analysis would be undertaken in advance of
 proceeding to GA; however, no evidence of such an appraisal has been provided to the HEA.

Value for Money

• Based on the evidence provided, UL have not demonstrated that they implemented an effective strategy to secure value for money through this acquisition, in both the implementation of a negotiation strategy and the undertaking of the valuations of the Rhebogue property.

Due Diligence

 Based on the evidence provided, UL have not demonstrated a coherent and effective approach to undertaking the necessary programme of due diligence at the appropriate time in the acquisition process, across multiple issues including, planning, property valuation, stamp duty and procurement.

As a result of these significant concerns, and in accordance with the provisions of Section 64 of the Higher Education Authority Act, 2022 ("HEAA 2022"), I hereby request that the Governing Authority of UL now undertake a review of the matters outlined above, but also of the general governance and culture of the organisation.

I understand that the review I seek will be quite broad and far ranging, so in order to ensure it is appropriately focused, and in order to allow me to be better informed, please provide me with a copy of the report on the Rhebogue transaction commissioned by the Audit and Risk Committee. Following our review of this report, in addition to our own, we will meet with you to confirm the full terms of reference for the S64 request.

The purpose of this review is to provide a publishable written report addressing the matters noted above and any other related issues. The report should be provided to me within 60 days from when the terms of reference are agreed between us, therefore it is imperative that we meet urgently on this matter. There is a provision to extend this deadline by 30 days, if necessary.

As you are aware, under the terms of the HEAA 2022 I may, following consideration of the report, determine that no further action is required, or I may make a determination in accordance with Section 65 of the HEAA 2022.

An tÚdarás um Ard-Oideachas | 3 Áras Síol mBrain | Ascaill Crampton | Bóthar Shíol Bhroin | Baile Átha Cliath 4
Teil: +353 1 231 7100 | Facs: +353 1 231 7172 | IosGhlo: 1890 200 637 | R-phoist: info@hea.ie | Gréasán: www.hea.ie
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Tel: +353 1 231 7100 | Fax: +353 1 231 7172 | LoCall: 1890 200 637 | E-mail: info@hea.ie | Web: www.hea.ie

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I shall provide a copy of the report to the Minister, and I may, with the approval of the HEA Board, publish the report in such form and manner as the HEA Board considers appropriate.

Given the significance of these issues we also believe that it is appropriate that the UL Capital Programme be paused pending further discussion with UL.

I await your acknowledgement of this correspondence. As per the Oversight Agreement, UL should keep the HEA informed, in a timely manner, of any governance issues, concerns, financially significant events or major risk that may arise for UL.

Given the matters outlined above, it is my intention to inform the Board of the HEA at the earliest opportunity.

Yours sincerely,

Dr. Alan Wall

Chief Executive Officer

Higher Education Authority



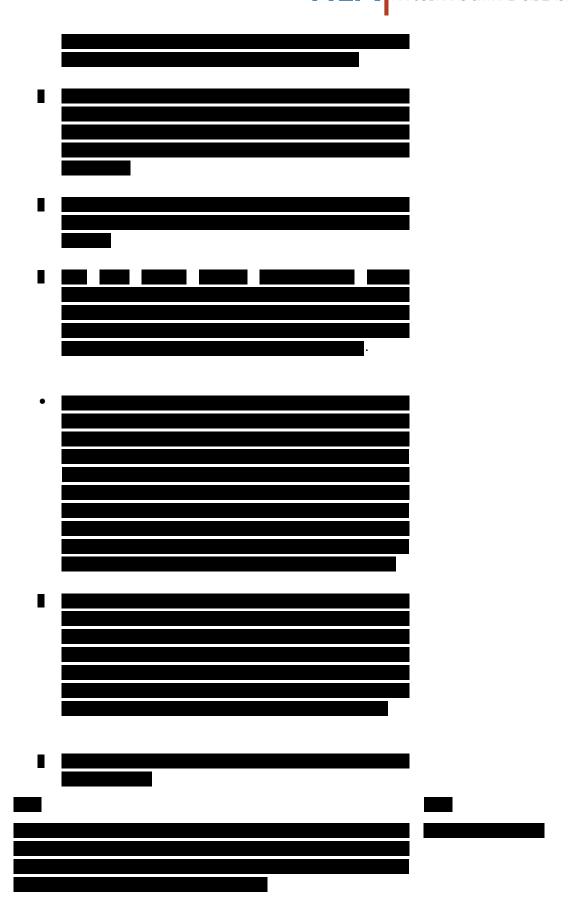
MINUTES					
Meeting	HEA/DFHERIS Quarterly Capital Meeting - Q4 2023				
Project	N/A				
Date	09 February 2024				
Time	11:00				
Location	DFHERIS Offices, Tullamore				
Attendees	Ciarán McCaffrey	CMcC	HEA		
	Tomás Grimes	TG	HEA		
	Aoibheann Ní Mhearáin	ANM	HEA		
	Elaine Vaughan	EV	HEA		
	Katie Barry	KB	HEA		
	Eilish Bergin	EB	DFHERIS		
	Kathryn Coleman	KC	DFHERIS		
	Ross McNamara	RMcN	DFHERIS		
	Sharon Gleeson	SG	DFHERIS		
	Bróna Allen	BA	DFHERIS		
	Eamonn Dunican	ED	DFHERIS		
	Mairead Sheedy	MS	DFHERIS		
	Annette Quigley	AQ	DFHERIS		
	James Barry	JB	DFHERIS		
	Gerald Caulfield	GC	DFHERIS		
	Aideen Foley	AF	DFHERIS		
	Elaine McWeeney	EMcW	DFHERIS		
	Alan O'Callaghan	AO'C	DFHERIS		
	Ronan Duffy	RD	DFHERIS		
	Bernie Norris	BN	DFHERIS		

Meeting Notes

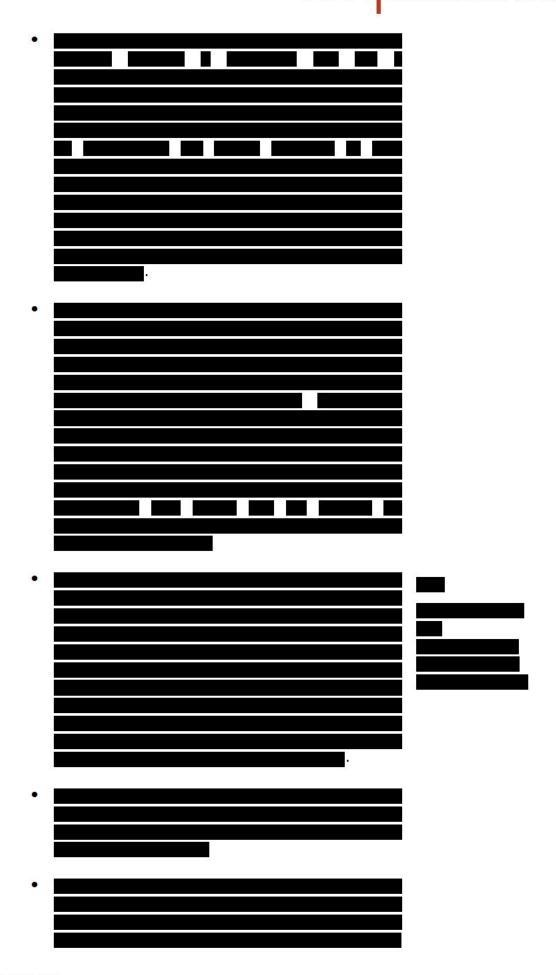
Item Description Action

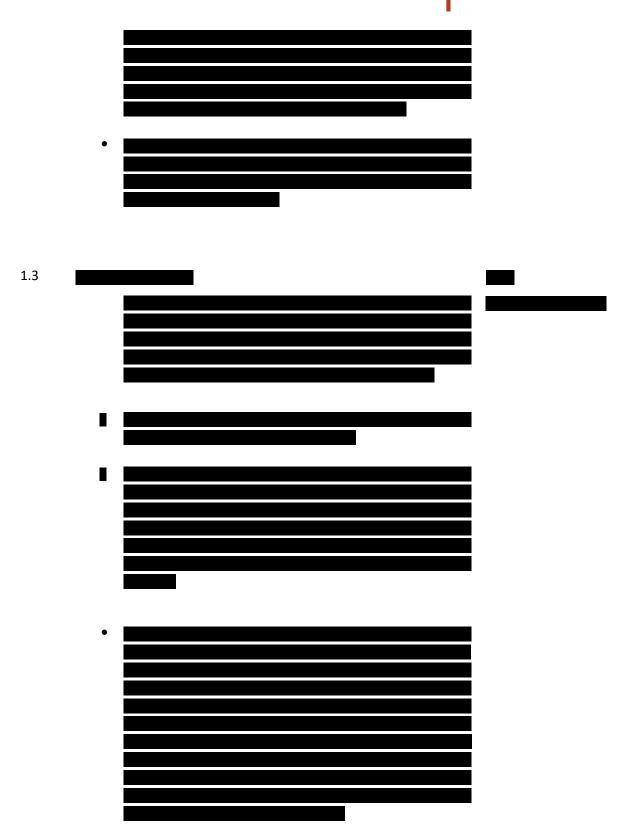
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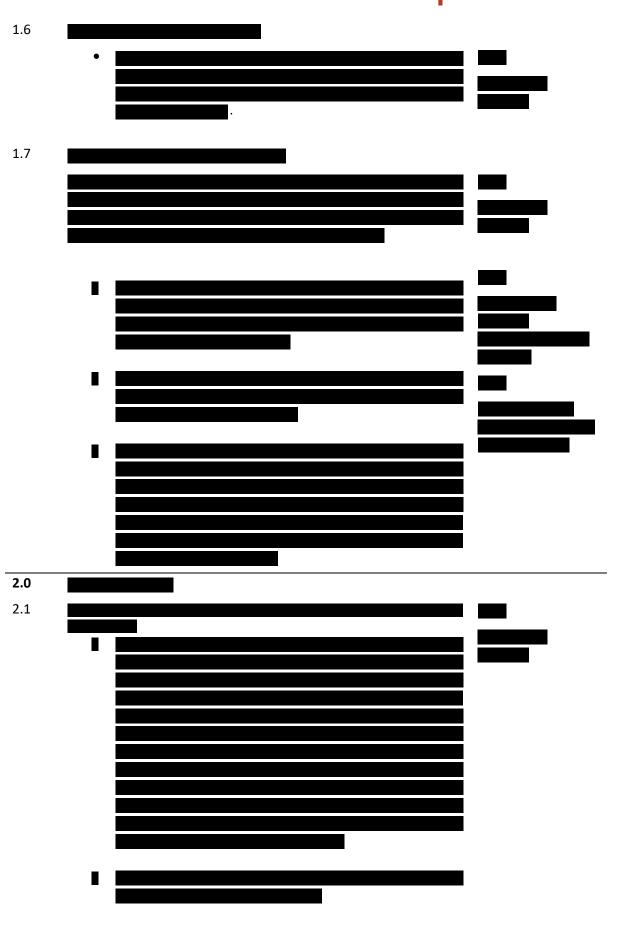


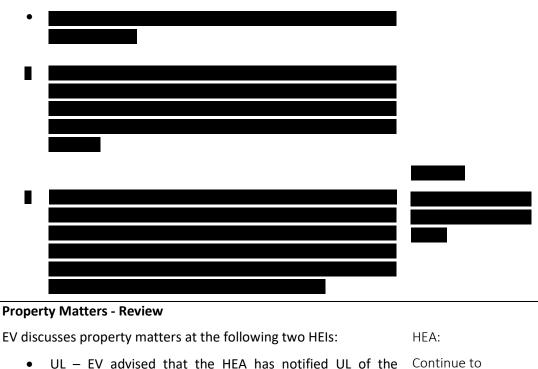
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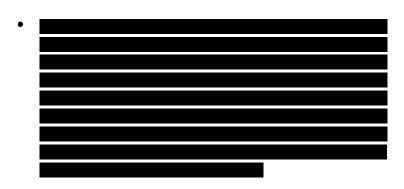




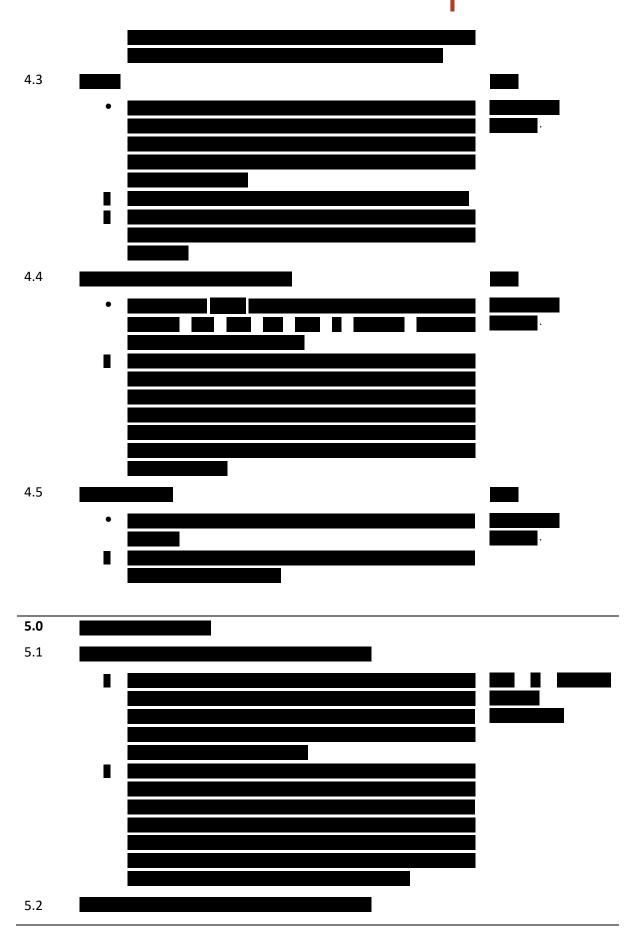
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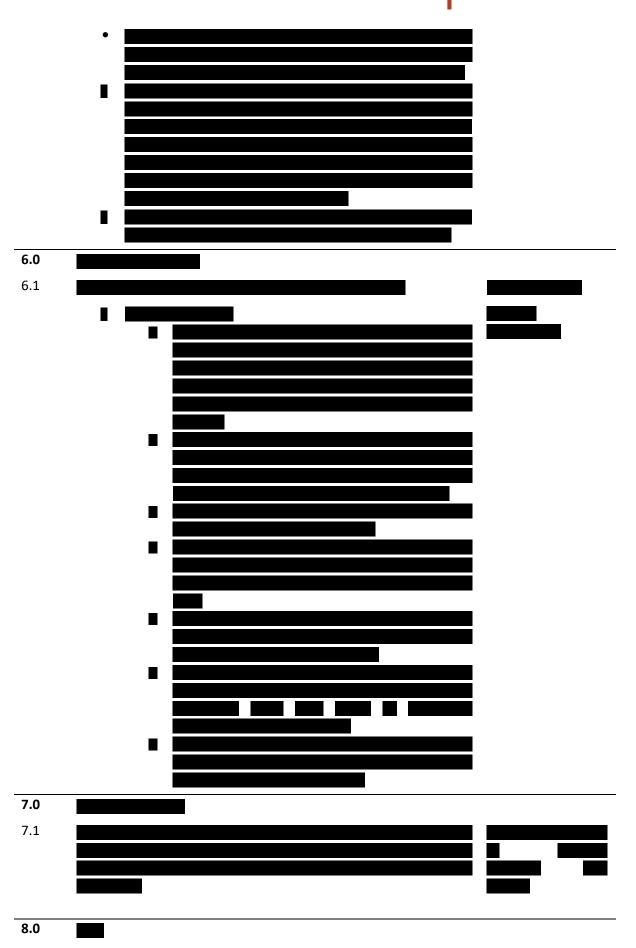
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UL - EV advised that the HEA has notified UL of the intention to undertake a general review of capital monitor. acquisition procedures of property/buildings.



4.0 4.1 4.2







Minutes by: [HEA]

Next Meeting: [Q2 2024]

	Item	
1	HEA-UL_29.01.24	The HEA notifies UL of its intention to undertake a general review of the UL's policies and procedures in relation to the acquisition of buildings and property.
2		HEA writes to UL acknowledging receipt of UL update on City Centre Campus and confirming that the matters outlined in said update letter will be considered as part of the forthcoming HEA review of UL's policies and procedures in relation to the acquisition of buildings and property.
3		HEA to UL requesting all documentation in relation to the Institute's procedures for acquisition of property, along with information on when said procedures(s) were adopted/implemented by the University
4	HEA-UL_29.02.24	HEA-UL requesting upload of all relevant documentation to facilitate Review of Rhebogue
5	112/1 02 22:03:21	HEA writes to President Mey 1) confirming an investigation into Rhebogue has been commissioned, 2) communicating HEA's intention to consult with the HEA Board at the earliest opportunity and 3) reminder that HEA awaits ARC report on the acquisition.
6	20.03.24	HEA writes to UL citing significant concerns in the areas of governance, compliance and culture at UL. In line with the provisions in Section 64 of the HEA Act (2022), the CEO of the HEA requested that the UL Governing Body undertake a review of the matters outlined withing the letter and of the general governance of the university more broadly.
7	112, 1 21 1121113 03:02:21	Quarterly HEA/DFHERIS Capital meeting. HEA formally advises DFHERIS that the HEA is undertaking a review of UL's acquisition policies and procedures as well as looking at the Rhebogue transaction in detail.