



Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

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Llanelwy, LL17 0JG

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Mark Isherwood MS
Chair - Public Accounts and Public
Administration Committee
Senedd/Welsh Parliament

Ein cyf / Our ref: PM/CS/RB/3354

Eich cyf / Your ref:

☎: 01745 448788 ext 6365

Gofynnwch am / Ask for: Carol Shillabeer

E-bost / Email: BCU.CEO@wales.nhs.uk

Dyddiad / Date: 23rd June 2023

Dear Chair

Release of the Ernst and Young Report

Thank you for your letter setting out the requirements of the Committee in relation to the release of Betsi Cadwaladr University Health Board in respect of the Ernst and Young Report into accounting practices at the health board. We have had the helpful opportunity to speak with the Clerks to the Committee in relation to your request.

The Committee has confirmed that section 37 (1) of the Government of Wales Act 2006 (as amended) applies. Section 37(1)(b) provides that the Senedd may require any person to produce for the purposes of the Senedd (or a Committee of the Senedd, in this case, the Public Accounts and Public Administration Committee), documents in the possession, or under control, of the individual or organisation involved, in relation to any matter relevant to the exercise of the functions of the Welsh Ministers.

You may be aware that we have a number of affected and interested parties in relation to this matter. We have therefore had to take careful consideration of our potential actions to meet expectations in relation to the public interest and the protection of affected staff and partners in terms of natural justice.

Given those considerations, we are now able to suggest a way forward that we believe properly protects all affected parties as much as reasonably possible in the circumstances. This includes:

- An intention to share in confidence with the Committee only, the full Ernst and Young Report. The names of junior members of staff and 'by-standers' would be redacted.
- An offer to attend the Committee to give evidence in confidential session in relation to the broader aspects of the accounting matters and how the health board is dealing with them. A supplementary report again on a confidential basis could be provided to assist the committee in its scrutiny function.

We are making these suggestions in light of the issues we consider a full, public release of the report would potentially risk causing. These include significant and potentially grave injustice to employees who have yet to be afforded the full opportunity to both consider and respond to the report. Until the disciplinary process is complete, it is unclear whether



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any of the affected employees is able to provide evidence that either exonerates them or causes significant doubt to be cast over the findings of the EY report. There is a risk that if the report is fully published that this would indeed undermine natural justice in favour of the court of public opinion which itself is not in the public interest.

We fully recognise the public interest requirements in relation matters of the administration of public bodies and in this case the significant concerns regarding accounting practice. We hope that in making the suggestions above we can look to meet the requirements of the committee and safeguard our duties as an employer.

The Clerks to the Committee have advised that a session on 5th July 2023 may be possible. We will therefore undertake the required work in providing a confidential, appropriately redacted report and broader cover report in preparation for this date and will liaise accordingly with the Clerks to the Committee.

We very much hope that this intent demonstrates our commitment to actively support the scrutiny role of the Committee.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Dyfed Edwards'.

Dyfed Edwards
Cadeirydd
Chairman

A handwritten signature in cursive script, appearing to read 'Carol Shillabeer'.

Carol Shillabeer
Prif Weithredwr Dros Dro
Interim Chief Executive

Mae Swyddfa'r Prif Weithredwr yn croesawu gohebiaeth yn Gymraeg a bydd yn sicrhau y darperir ymateb yn Gymraeg heb oedi.

The Chief Executive's Office welcomes correspondence through the medium of Welsh and will ensure that a response is provided in Welsh without incurring a delay