An Open Letter

From: (Redacted)

2 June 2022

Jeremy Miles AS/MS
Minister for Education and Welsh Language Welsh Government 5th Floor Tŷ Hywel
Cardiff Bay CF99 1NA

Sent by email: Correspondence.Jeremy.Miles@gov.wales

Dear Education Minister

21st Century Schools programme, Cathays High School and Maindy Park Trust

I am writing in a personal capacity but as I believe that the following is a matter of
public interest I am doing so as an open letter, with only the identifying parts of my
home address redacted. I understand, therefore, that any future FoI or similar
requests may mean that my name is not redacted and I accept that this may happen
as a consequence of putting it in the public domain myself.

To explain why I am contacting you it may help to let you know a little about my
background. I consider it a privilege to have worked in the charity sector for many
years, seeing the huge good that is done and the tremendous effort that countless
people put in and the financial support that the public give to this work. I therefore
recognise how important it is that each and every charity plays their role in ensuring
that they act in ways at all times that maintain and boost public trust and confidence,
and that transparency is an essential element of this.

I should be grateful for your assistance with the following matter and which is
prompted by the documents released in relation to requests made by other parties
and which are shown at the following link:

https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgov.wales%2F
atisn15767&data=05%7C01%7CCorrespondence.Jeremy.Miles%40gov.wales
%7C47097cd1a97a408ad6dd08da449698eb%7Ca2cc36c592804ae78887d06dab89
216b%7C0%7C1%7C637897710954731368%7CUnknown%7CTWFpbGZsb3d8eyJ
WIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2
000%7C%7C%7C&sdata=d0Ri3XMZ0lYXdSF%2Bf9nixYMs0yF%2Fym%2B7M
Jww5fHWggA%3D&reserved=0

As I believe would be likely in such circumstances, you would have been made
aware at the time that the land at Maindy Park is protected by a covenant for use
only for public recreation and leisure in perpetuity.

It would, therefore, be unlawful for the land to be used for educational purpose. This covenant is held by a charity - the Maindy Park Trust (registered charity number 524137) - and Cardiff Council as a body corporate is the sole trustee of this Trust. As trustee Cardiff Council is legally responsible for acting wholly and exclusively in the best interests of the charity which includes upholding the covenant and protecting the specific parcel of land to which it refers.

There is, therefore, a potential conflict of interest arising between Cardiff Council acting in its own interest as the Local Authority Education provider with the requirement under charity law that Cardiff Council acting as the sole trustee must uphold and protect the land and its use as set out in the covenant, which would preclude its use for educational purpose.

Given this circumstance, I am sure you will appreciate why I consider it is a legitimate matter of public interest for there to be transparency to understand the inclusion of funding support from the 21st Century Schools programme in the plans being made by Cardiff Council for Cathays High School.

Therefore, please would you set out what steps were taken, provide the relevant reference documents, and supply correspondence generated by and/or received by you/your Department to satisfy yourself/yourselves that this conflict of interest had been managed appropriately and what steps were taken by you/your Department to ensure that the absence of an objection made by the Maindy Park Trust as custodian of the land was not affected by or influenced – whether directly or indirectly – by Cardiff Council acting in its own interest as the Local Authority Education provider.

Thank you for your attention to this matter and I look forward to hearing from you in due course.

Yours faithfully

Signed: (Redacted)

Address: (Redacted)

Email address: (Redacted)

Footnote: (Redacted identifiable details)