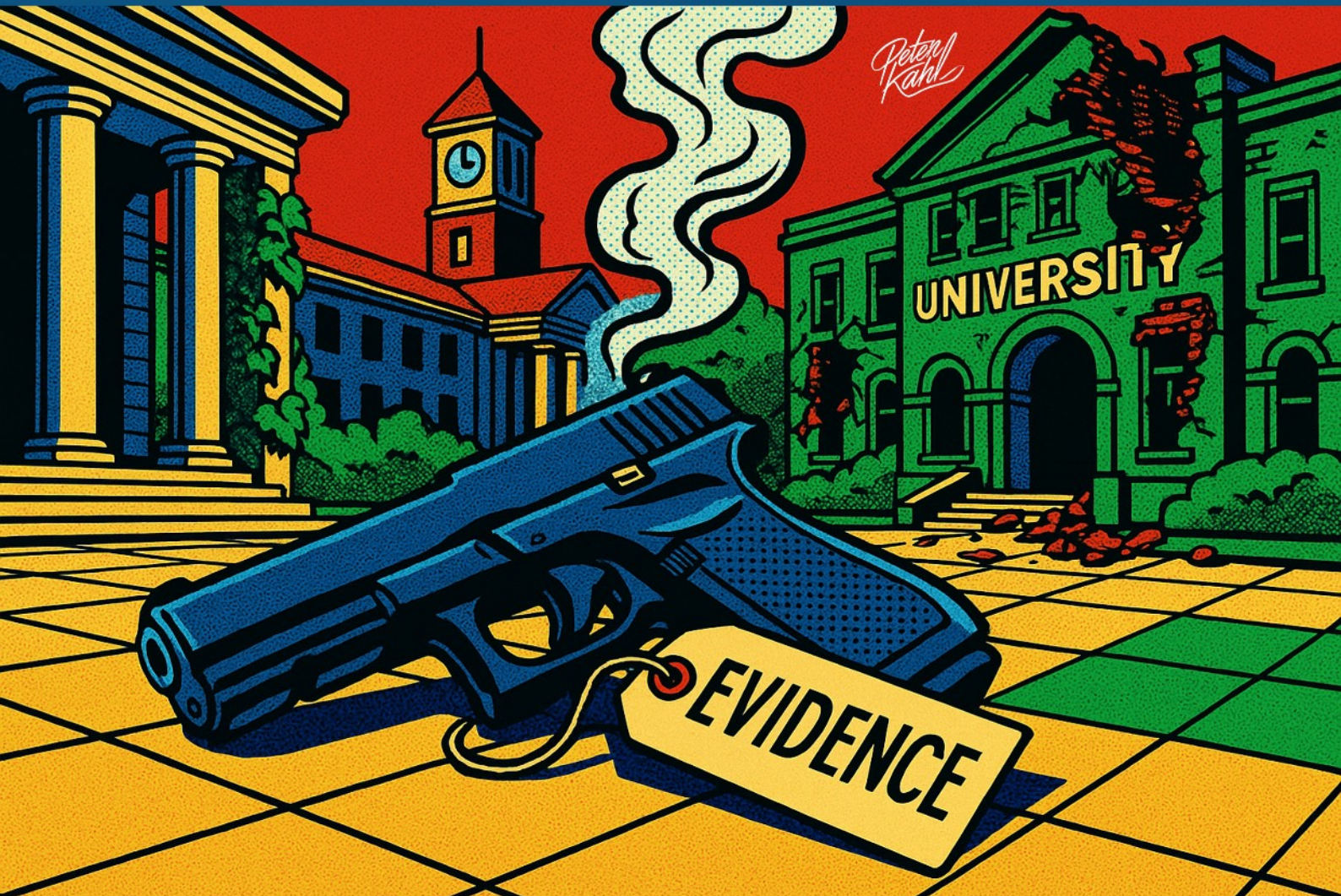


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Lex et Ratio Ltd



Finding the Smoking Gun in UK Higher Education

Exposing Fiduciary Breaches, Governance Failures,
and the Fight for Transparency

PETER KAHL



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About the Publisher

Lex et Ratio Ltd provides research, advisory, and strategic consulting in governance reform, fiduciary accountability, and epistemic ethics, integrating legal analysis, institutional theory, and practical reform strategies across public, corporate, and academic institutions.

Abstract

This paper examines systemic failures in governance, fiduciary accountability, and transparency within the UK higher education sector. Drawing upon formal legal notices and correspondence with major sectoral bodies—including Universities UK, Advance HE, GuildHE, Skilled Education Ltd, and Times Higher Education—as well as the Education Select Committee of the UK Parliament, it exposes how structural opacity, conflicts of interest, and administrative exclusion undermine democratic oversight. The analysis situates these issues within a broader jurisprudential framework of fiduciary ethics, epistemic justice, and public law principles, arguing that the absence of direct accountability mechanisms has enabled a culture of institutional impunity. By documenting an ongoing process of legal challenge and reform, the paper calls for a renewed public commitment to lawful governance, equality, and epistemic openness in higher education.

Keywords

higher education governance, fiduciary duties, epistemic justice, administrative law, public sector equality duty, transparency, universities uk, advance he, guildhe, skilled education, times higher education, education select committee, public accountability, conflicts of interest, legal reform, uk governance

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Introduction: What I've Been Doing and Why It Matters

Over recent months, I have undertaken what I believe is one of the most sustained and detailed legal research initiatives currently underway in the UK Higher Education sector. I've produced a series of formal legal notices and public letters directed at five powerful organisations—Universities UK, Advance HE, GuildHE, Skilled Education Ltd, and Times Higher Education—raising urgent concerns about governance failures, trustee breaches, and systemic conflicts of interest.

This is not just public interest activism. It is original and intellectually rigorous research grounded in legal theory, fiduciary ethics, administrative law, and public sector accountability. These letters are the product of months of sustained interdisciplinary work: synthesising philosophy, statute, case law, policy language, and institutional behaviour into legally actionable arguments.

My efforts also include two open letters to the UK Parliament's Education Select Committee, chaired by Helen Hayes MP, in which I challenge the Committee's narrow call for evidence—an inquiry that appears carefully structured to sideline questions of governance and fiduciary accountability. I have called for transparency regarding potential conflicts of interest among Committee members and set a public deadline for disclosure.

This work follows established legal procedure: I have given each organisation an opportunity to explain its position, to clarify its duties, and to come clean about the systems it oversees. These are not informal critiques—they are documented warnings, anchored in binding statutes: the Charities Act 2011, the Companies Act 2006 (Section 172), the Equality Act 2010 (Section 149), and UK data protection law. And if the organisations fail to respond, they will face escalation to regulators—and if necessary, judicial review.

Why 'The Smoking Gun' Is the Wrong Test

A journalist recently asked me a very reasonable question:

█ *'Peter, is there really a smoking gun in your claims about corruption in Higher Education governance?'*

And the answer is: probably not in the way journalism has been trained to expect.

Corruption doesn't always look like an incriminating email, a rigged contract, or a bribe caught on camera. In complex institutional ecosystems like Higher Education, corruption often hides in plain sight. It takes the form of misaligned incentives, revolving-door relationships, suppressed transparency, and unchecked dual loyalties. These are not always prosecutable crimes, but they erode trust, distort priorities, and hollow out public institutions.

The deeper problem is that the press, much like the institutions it reports on, has become comfortable with only one kind of scandal—the explosive, headline-ready kind. If there's no smoking gun, no cake to cut into neat slices, many journalists turn away. They are under pressure, too. But that habit reinforces a dangerous norm: systemic injustice is ignored unless it arrives with photographic proof.

Yet, those of us working in legal theory, in administrative law, in governance—know that most serious failures are not cinematic. They are slow-moving. They are procedural. They are hidden behind policy language and committee discretion. They require not just outrage, but argument.

The Problem With Post-Facto Justice

One of the most troubling aspects of institutional injustice is how difficult it is to address after the fact. Once decisions have been made, once policies have been rolled out or institutions restructured, it takes extraordinary effort to undo the damage. Filing a judicial review. Lodging a complaint with a regulator. Organising a public campaign. Hiring lawyers. Navigating bureaucracy. It's slow, costly, and heavily stacked against individuals.

This is one of the core failures of our systems: we rely on post-facto justice, but we make it exhausting to pursue. And worse still, we have far too few people trained—and willing—to fight that fight. Most researchers stay inside safe boundaries. Most students don't have time. Most journalists, as mentioned, want certainty, not complexity.

That's where the real democratic danger lies.

Why This Work Must Continue

I've produced all this work without institutional support, without remuneration, and in the face of near-total silence from the organisations I'm challenging. I publish my letters on platforms like Scribd and Substack. I work alone. These institutions, meanwhile, pretend I don't exist. They avoid naming me. They hope I will tire, or vanish. That is their defence: strategic ignorance.

But here's the truth—there is corruption everywhere, if we look closely enough. And the real problem isn't its presence. It's the lack of people willing to confront it.

We need more researchers willing to take on governance. More students willing to question process. More journalists willing to shine a light on quiet forms of power. Because if only a few people are watching, the system becomes unaccountable.

And we must remember: even if there is no smoking gun, even if we don't get a headline or a confession, making a public body comply with the law is a victory. Forcing disclosure is a win. Compelling accountability is progress. These are real outcomes in democratic life.

A Final Word to Young Researchers and Journalists

If you are a student, a scholar, a future civil servant, or a young journalist—please don't think the fight is too complex or too obscure. Your work matters.

You don't have to bring down an institution. But if your research, your questions, your FOI request, or your public challenge causes even one organisation to act more honestly, to release more information, to follow its own rules—then you have done something that matters.

That is democracy in action.

Corruption may be everywhere. But so are people who can think, speak, and hold power to account.

Let's be more of them.



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Version History

Version	Description of Changes	Epistemic Impact	Date
1	Initial release	None	2025-07-30

