

## Reportable Events to Office for Students Policy

### Document Control

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### 1. Purpose

- 1.1 The University has a regulatory obligation to report particular incidents, circumstances or material changes in its operating position, to the Office for Students (OfS); the principal regulatory body for Higher Education in England.
- 1.2 This policy is a key element of the University's governance framework, demonstrating its commitment to good governance and compliance with its regulatory obligations.

### 2. Scope

- 2.1 The University is a large, complex organisation and incidents or circumstances will arise from time to time connected to its many activities. These may be brought to the University's attention through concerns raised by individuals or bodies, internal or external reviews, audits or inspections.
- 2.2 This policy applies to those incidents, circumstances or material changes which fall within scope of the OfS' reporting requirements as per its regulatory advice on reportable events<sup>1</sup> as set out under para.4.2 of this policy and detailed latterly at Annex A.
- 2.3 It is not feasible, nor is it appropriate, that any and all incidents or circumstances which arise within the University are dealt with under this policy; individuals must use sound judgement and refer to the detail of this policy when considering whether a report is required. Most incidents and circumstances will be sufficiently dealt with via local management action, under other policy documents or other regulatory and statutory reporting arrangements.

### 3. Roles and Responsibilities

- 3.1 The Board of Governors is accountable for the University's compliance with OfS requirements. The Board receives a report at each meeting on any reportable events made. Annually, the Board also receives a report on compliance with the OfS ongoing conditions of registration.
- 3.2 The Vice Chancellor is the University's Accountable Officer and responsible for delegating authority appropriately within the University to ensure the OfS is notified of reportable events; all such events reported to the OfS are done so on behalf of the Chair of the Board of Governors.
- 3.3 The Secretary to the Board of Governors (hereafter 'the Secretary') is responsible for determining whether an event is reportable in consultation with the Vice Chancellor as Accountable Officer, and ensuring the Chair of Council is notified of decisions/reports made under this policy.

<sup>1</sup> [Regulatory advice 16: Reportable events \(officeforstudents.org.uk\)](https://www.officeforstudents.org.uk/regulatory-advice/16-reportable-events)

3.4 All members of staff are responsible for engaging with this policy when appropriate, ensuring they disclose any potential reportable events as required and co-operating with senior colleagues, governors, others appointed by the University (such as its auditors) and the OfS if applicable, during any internal reviews or investigations into relevant matters.

#### **4. Reportable Event Definition**

4.1 A reportable event is defined by the OfS as any event or matter that, in the reasonable judgement of the OfS, negatively affects or could negatively affect:

- a) The provider's eligibility for registration with the OfS;
- b) The provider's ability to comply with its conditions for registration;
- c) The provider's eligibility for degree awarding powers, or its ability to comply with the criteria for degree awarding powers;
- d) The provider's eligibility for university title.

4.2 The OfS sets out the following high-level categories of potential reportable events, further details of which are provided at Annex A:

- A. Matters relating to a provider's ownership, legal form or corporate structure;
- B. Matters related to the delivery of higher education in England;
- C. Matters relating to the quality and standards of a provider's higher education courses;
- D. Matters relating to student and consumer protection;
- E. Matters relating to a provider's financial viability or sustainability;
- F. Matters relating to management and governance;
- G. Matters relating to information provision.

#### **5. Notification Procedure**

5.1 Any member of staff, student or other stakeholder is encouraged to bring any concern regarding potential reportable events to the attention of the Secretary, in writing (ideally e-mail) without undue delay. The decision as to whether a report should be made to the OfS is not the reportee's to make. This authority rests with the Secretary.

5.2 The reportee should state/provide to the Secretary:

- The date they became aware of the potential reportable event;
- The nature of the incident or circumstance;
- The evidence they hold in relation to the potential reportable event;
- The details of any individuals connected with the incident or circumstance, including information about any partners or other regulatory bodies connected to it;
- The details of any existing policy documents used to manage the potential incident or circumstance, and whether this has been actioned (i.e. data breach or fraud reporting);
- The actual or potential impact of the incident/circumstance on the University;
- Whether the reportee has made any other individual, partner or body (i.e. professional regulator) aware of the incident or circumstance, or is under an obligation to do so;
- The details of any ongoing inquiries into the incident or circumstance and any action taken;

- 5.3 In consultation with the Vice Chancellor (as Accountable Officer), the Secretary will make inquiries as they deem fit and assess whether the criteria for a reportable event have been met.
- 5.4 The University has an obligation to notify the OfS of reportable events within five days of the event being identified, and in any event without undue delay. The Secretary will be responsible for co-ordinating colleagues in preparing and submitting a reportable event to the OfS.
- 5.5 The Secretary shall ensure a reported event is reported to the next meeting of the Board of Governors.
- 5.6 The Secretary shall ensure any other relevant reporting obligations insofar as they are aware have been suitably fulfilled.
- 5.7 The Secretary will determine whether a reported event requires other further investigation and shall consult with relevant individuals as to the necessity and nature of any such investigation, ensuring any such investigation is undertaken in accordance with extant relevant procedures, where applicable. Any such investigation relating to a reported event shall normally be brought to the attention of the Chair of the Board of Governors, the Chair of the Audit Committee, and monitored by the Audit Committee to final outcome.
- 5.8 If a potential reportable event concerns the Vice Chancellor, the Secretary shall instead consult with the Chair of the Council, where appropriate, and shall notify the OfS accordingly as it may not be appropriate for the OfS to issue its responses to the Vice Chancellor (as Accountable Officer).
- 5.9 Where the Secretary is a subject of the reportable event, the Board of Governors shall itself be responsible for making any required report to the OfS via the Chair of the Audit Committee and for ensuring any responsibilities of the Secretary under Section 5 of this policy are appropriately delegated/managed otherwise.
- 5.10 The University encourages the reporting of events under this policy and aims to promote a culture in which individuals feel confident to report. Should an individual wish to report anonymously, the University will make every effort not to disclose that individual's identity. However, it may be necessary (for example where an investigation is required) to reveal the identity of the individual, in which case, this will be discussed with the individual and protection from any associated detriment will be afforded.
- 5.11 Reports made wholly anonymously will be considered at the discretion of the University, based on the level of seriousness and its ability to validate assertions from credible sources.

**Annex A**

**Reportable Events**

This annexe provides further detail as to the nature of potential reportable events and whether it is mandatory or not for the University to make such a report to the Office for Students as per the Reportable Events to Office for Students Policy.

<b>Mandatory Reportable Events</b>						
<b>Matters relating to Ownership, legal form, or corporate structure</b>	<b>Matters related to the delivery of higher education in England</b>	<b>Matters relating to the quality and standards of a provider's higher education courses</b>	<b>Matters relating to student and consumer protection</b>	<b>Matters relating to a provider's financial viability or sustainability</b>	<b>Matters relating to management and governance</b>	<b>Matters relating to information provision</b>
<ul style="list-style-type: none"> <li>i. The legal entity that is registered ceasing to exist</li> <li>ii. A merger of the provider with another registered or unregistered HE provider.</li> <li>iii. A change of Ownership, including through a sale, of the provider.</li> <li>iv. A change in the provider's legal form.</li> </ul>	<ul style="list-style-type: none"> <li>i. The provider resolving to cease carrying on its business principally in England</li> <li>ii. The provider resolving to fully or substantially cease providing HE, whether or not this results in the closure of the provider</li> <li>iii. Loss, including suspension, of the provider's student sponsor licence.</li> </ul>	<ul style="list-style-type: none"> <li>i. A Notification to the provider of an investigation by an awarding organisation or awarding body or by a professional regulatory or statutory body</li> <li>ii. A notification to the provider that its awarding organisation or awarding body is to withdraw from the arrangements, where this is not a routine consequence of a planned contract review.</li> </ul>	<ul style="list-style-type: none"> <li>i. The provider receiving a complaint that it has charged or advertised fees that exceed a statutory fee limit, or a fee limit imposed as a result of an approved AP plan</li> <li>ii. A new campus, whether in the UK or internationally</li> <li>iii. Closure of a campus, department, or subject area, whether or not this is in the provider's approved student protection plan</li> <li>iv. Termination of a partnership arrangement, whether in the UK or internationally, where this results in a contract change for students.</li> </ul>	<ul style="list-style-type: none"> <li>i. A likely drop in liquidity to below 30 days' average expenditure unless this normal operation.</li> <li>ii. A likely breach of any financial covenant attached to a loan.</li> <li>iii. The external auditor has notified that it may conclude that the provider is not a going concern</li> <li>iv. A trustee or director are considering making an assessment the provider is not a going concern</li> <li>v. Any matter or event that may result in the provider being unable to pay its creditors as debts fall due</li> <li>vi. Withdrawal of a legal obligation or financial support which could affect the financial viability and sustainability.</li> </ul>	<ul style="list-style-type: none"> <li>i. Changes to the identity of the individual a provider wishes to nominate to the OfS as its accountable officer</li> <li>ii. Changes to the identity of the chair of a provider's governing body</li> <li>iii. A change of control of the provider</li> <li>iv. A matter relating to the provider's compliance with the Prevent duty as set out in the OfS's monitoring guidance.</li> </ul>	<ul style="list-style-type: none"> <li>i. Any matter which affects the accuracy of the information contained in the provider's entry in the OfS Register.</li> </ul>

<b>Non-Mandatory Reportable Events</b> Reporting of these events depends on the materiality of the incident.						
<b>Matters relating to Ownership, legal form, or corporate structure</b>	<b>Matters related to the delivery of higher education in England</b>	<b>Matters relating to the quality and standards of a provider's higher education courses</b>	<b>Matters relating to student and consumer protection</b>	<b>Matters relating to a provider's financial viability or sustainability</b>	<b>Matters relating to management and governance</b>	<b>Matters relating to information provision</b>
i. Amendments to the provider's governing documents ii. An acquisition by the provider of another entity. iii. A sale of a part of the provider or its parent	i. A change in the provider's business model, such as a move to focus on further instead of higher education.	i. The provider decides to cease affiliation to a PSRB that does not affect a students' course or award	i. Complaints from students that are upheld in full or in part by the provider, or by the OIA, and that results in redress for a student (including a full or partial fee refund) or changes within the provider.	i. A change in provider's actual or forecast financial performance or position. ii. A change in financial commitments or borrowings iii. A change in forecast or actual student numbers that was not included in the most recent financial forecasts submitted to the OfS iv. For a provider that is part of a larger corporate group, any adverse change in the group's financial position v. The sale of assets vi. A redundancy programme.	i. The initiation of a governance review where this is not a routine part of a provider's planned arrangements. ii. The following events or matter relating to fraud or financial irregularity. <ul style="list-style-type: none"> <li>• Complaint or allegation that it may have committed fraud</li> <li>• Initiates an investigation into a possible fraud or financial irregularity</li> <li>• Notified that a third party is investigating the provider relating to fraud or financial irregularity</li> <li>• A third party find the provider has committed fraud.</li> </ul> iii. Legal or court action iv. Regulatory investigation and/or sanction by other regulators or funding bodies, e.g. ESFA, Ofsted, Charity Commission, Equality and Human rights Commission or the Arts Council.	i. Inaccuracies or omissions in the information finally submitted by a provider to the OfS or the designated data body, including where this may have an impact on the OfS's use of the data including in determining compliance with another condition of registration, the provider's funding allocation, or statistics published by the designated data body.