OFS REPORTABLE EVENTS PROCEDURE

1. INTRODUCTION

The Regulatory Advice 16: Reportable Events publication provides guidance for registered providers about the events or matters they are required to report to the Office for Students (OfS), the University's regulator, to inform the OfS's risk-based approach to monitoring. These are called 'reportable events'.

2. PURPOSE

In order to comply with the OfS general ongoing condition of registration F3, the University is required to provide the Specified Information (see definition below) at the Specified Time (5 working days) and in the Specified Manner (via the OfS portal), from 1 January 2022 and on an ongoing basis.

This procedure provides University staff, students and any other stakeholder with an outline of the requirements on the University and the process for the escalation of any event or matter that could negatively affect the business of the University.

3. DEFINITIONS

The Specified Information is:

a) Any event or matter which is listed in OfS Guidance as 'always reportable';
b) Any event or matter which is always reportable for the University as listed in Schedule 1 of the OfS Notice (letter addressed to the Accountable Officer);
c) Any event or matter which otherwise falls within the OfS definition of a reportable event.

"OfS Guidance" means Table 1 of Annex A of Regulatory Advice 16 – included in section 4, below.

"Reportable Event" means any events or matters that fall within the definition of a reportable event in paragraph 494 of the Regulatory Framework, which is:

A reportable event is 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 of registration.
c) The provider's eligibility for degree awarding powers, or its ability to comply with the criteria for degree awarding powers, where the provider:
    i. holds degree awarding powers; or
    ii. has submitted an application for degree awarding powers to the OfS, and for which the OfS has yet to reach a final decision.
d) The provider's eligibility for university title, where the provider:
    i. holds university title; or
    ii. has submitted an application for university title to the OfS, and for which the OfS has yet to reach a final decision.

4. LIST OF REPORTABLE EVENTS

The OfS has outlined seven categories of reportable events. The table below is the non-exhaustive, illustrative list of reportable events, by category, which includes whether such a events or matters are always reportable (Table published by OfS within the Regulatory Advice 16 – Annex A):

Type of event or matter		Is it always reportable?
a.	**Matters relating to a provider's ownership, legal form or corporate structure, including but not limited to:**	
i	The legal entity that is registered ceasing to exist. This might be as a result of: • The acquisition by another legal entity of the business operated by a provider • A merger of the provider with another registered or unregistered higher education provider.	Yes
ii	A merger of the provider with another registered or unregistered higher education provider.	Yes
iii	A change of ownership, including through a sale, of the provider (see definition within the OfS Guidance).	Yes
iv	A change in the provider's legal form.	Yes
v	Amendments to the provider's governing documents. Factors in favour of reporting may include: • Amendments which affect the provider's ability to uphold and deliver in practice the public interest governance principles that apply to the provider • Amendments which relate to the treatment of the provider's charitable assets on dissolution of the provider. Factors against reporting may include: • Administrative amendments which do not affect the operative provisions of the governing document(s).	No
vi	An acquisition by the provider of another entity. Factors in favour of reporting may include: • The entity (to be) acquired is registered with the OfS or has submitted an application for registration and for which the OfS has not yet made a final decision.	No
vii	A sale of a part of the provider or its parent.	No
b.	**Matters related to the delivery of higher education in England, including but not limited to:**	
i	The provider resolving to cease carrying on its business principally in England.	Yes
ii	The provider resolving to fully or substantially cease providing higher education, whether or not this results in the closure of the provider.	Yes
iii	A change in the provider's business model, such as a move to focus on further instead of higher education.	No
iv	Loss, including suspension, of the provider's student sponsor licence	Yes
c.	**Matters relating to the quality and standards of a provider's higher education courses, including but not limited to:**	
i	A notification to the provider of an investigation by an awarding organisation or awarding body or by a professional, regulatory or statutory body.	Yes
ii	A notification to the provider that its awarding organisation or awarding body is to withdraw from the arrangement, where this is not a routine consequence of a	Yes

	planned contract review.	
d.	**Matters relating to student and consumer protection, including but not limited to:**	
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 access and participation plan.	Yes
ii	A new campus, whether in the UK or internationally.	Yes
iii	Closure of a campus, department, or subject area, whether or not this is in the provider's approved student protection plan.	Yes
iv	Termination of a partnership arrangement, whether in the UK or internationally, where this results in a contract change for students.	Yes
v	Complaints from students that are upheld in full or in part by the provider, or by the OIA, and that result in redress for a student (including a full or partial fee refund) or changes within the provider.	No
e.	**Matters relating to a provider's financial viability or sustainability, including but not limited to:**	
i	A likely drop in the provider's liquidity to below 30 days' average expenditure unless this is the provider's normal cash management policy or is mitigated through an agreed revolving credit facility, overdraft or other financing (further detail in OfS RA16).	Yes
ii	A likely breach of any financial covenant attached to a loan, where that breach has not been waived by the lender.	Yes
iii	For a provider with a legally binding obligation of, or which otherwise receives, financial support underpinning its financial viability and sustainability, the withdrawal of the obligation or that financial support (including as a result of a change of ownership or control of the provider, even where the new owner will offer a similar obligation or financial support), or an adverse change in the counterparty's financial position or other standing that could affect its suitability as a counterparty.	Yes
iv	A provider's external auditor has notified the provider that it may conclude that the provider is not a going concern, including where the provider is asked to submit additional information to the auditor in response to such a notification.	Yes
v	A provider's trustees or directors are considering making an assessment that the provider is not a going concern.	Yes
vi	Any matter or event that may result in the provider being unable to pay its creditors as debts fall due.	Yes
vii	A change in the provider's actual or forecast financial performance or position.	No
viii	A change in financial commitments or borrowings.	No
ix	A change in forecast or actual student numbers that was not included in the most recent financial forecasts submitted to the OfS.	No
x	For a provider that is part of a larger corporate group, any adverse change in the group's financial position.	No
xi	The sale of assets.	No
xii	A redundancy programme.	No
f.	**Matters relating to management and governance, including but not limited to:**	
i	Changes to the identity of the individual a provider wishes to nominate to the OfS as its accountable officer.	Yes
ii	Changes to the identity of the chair of a provider's governing body.	Yes
iii	A change of control of the provider (see definition within the OfS Guidance).	Yes
iv	A matter relating to the provider's compliance with the Prevent duty as set out in the OfS's monitoring guidance.	Yes
v	The initiation of a governance review where this is not a routine part of a provider's planned arrangements. Factors in favour of reporting may include:	No

	• The review is initiated in response to whistleblowing, or other complaints • The review is initiated in response to welfare or safeguarding concerns about students or staff.	
vi	The following events or matters relating to fraud or financial irregularity: a) The provider receives a complaint or allegation that it may have committed fraud b) The provider initiates an investigation into a possible fraud or financial irregularity involving the provider c) The provider is notified that a third-party is investigating the provider in relation to a possible fraud or financial irregularity d) A third-party makes a finding that the provider has committed fraud. Factors in favour of reporting may include: • Involvement of any member of the governing body, the accountable officer, or any other senior officer • The fraud exposes a systemic weakness in the provider's internal control arrangements that suggest other, as yet unidentified, cases could be taking place • The fraud involves public funding • The fraud is one of a repeating pattern of even small-scale frauds. Factors against reporting may include: • The monetary scale of the fraud is below £25,000 or two per cent of the provider's total income (whichever is smaller).	No
vii	Legal or court action. Factors in favour of reporting may include: • Involvement of any member of the governing body, the accountable officer or any other senior officer where this relates to their duties for the provider • An individual case, or a pattern of cases, exposes a systemic weakness in the provider's management and governance arrangements • Findings of a coroner where these relate to a student death and expose a systemic weakness in the provider's management and governance arrangements. Factors against reporting may include: • Isolated employment tribunal cases • The issue is a commercial dispute relating to business activities where the monetary scale of any adverse outcome is likely to be below £25,000 or two per cent of the provider's total income (whichever is smaller).	No
viii	Regulatory investigation and/or sanction by other regulators or funding bodies, for example the Education and Skills Funding Agency, Ofsted, the Charity Commission,16 the Equality and Human Rights Commission or the Arts Council. Factors against reporting may include: • The action is a routine inspection that is undertaken as part of a regulator's planned oversight activities.	No
g.	**Matters relating to information provision, including but not limited to:**	
i	Any matter which affects the accuracy of the information contained in the provider's entry in the OfS Register.	Yes
ii	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	No

	of registration, the provider's funding allocation, or statistics published by the designated data body. Factors in favour of reporting may include: • Inaccuracies or omissions mean that students or other activities are not included in returns when they should be or vice versa. Factors against reporting may include: • Minor or administrative errors which have been resolved through a validation process following initial submission of the data • Inaccuracies or omissions are restricted to a small number of students • Inaccuracies or omissions have a small impact on the OfS's decisions or publications or on the designated data body's process or publications.	

This procedure will also be followed to include any other relevant examples that may be issued by the OfS from time to time.

5. ROLES AND RESPONSIBILITIES

5.1 Responsibilities for Reporting

Any member of staff, student or any other stakeholder who holds a reasonably held concern about an incident, event or circumstance that they believe comes under a category listed in section 4 above, should report the matter in writing (preferably by email) to the Secretary to Council without delay. The Secretary to Council will assess the matter against the materiality test, which is used by the OfS, to determine whether it is reportable.

If it is not possible or appropriate to report the case to the Secretary to Council, then the written report should be sent to the Vice-Chancellor. This Procedure should be read in advance and referenced within the written report.

The Accountable Officer (Vice-Chancellor) is responsible for reporting such events to the OfS. All events submitted should be on behalf of the Chair of the Governing Body (Council). Operationally, reportable events will normally be submitted by the Secretary to Council, the nominated Reporting Officer, in consultation with the Vice-Chancellor and Chair of Council.

The Chairs of the Audit & Risk Committee and Nominations & Governance Committee should also be informed at the time of reporting to the OfS and then an oral or written report will be provided to the next meeting of both committees for monitoring and compliance purposes.

For significant cases, the University Executive Committee will also be informed that an event has been reported to the OfS.

5.2 Responsibilities for Seeking Guidance from the OfS

If the University considers that a very significant issue has arisen in relation to any of the types of event listed within this procedure, or if it identifies other very significant events not covered within this procedure, the Secretary to Council will normally contact the OfS to seek guidance.

5.3 Specified Manner for Reporting

Reportable events are submitted to the OfS via its online secure access portal, the key for which is held by the Accountable Officer.

5.4 Specified Time for Reporting

Reports should be made **within five working days** of the date that the reportable event is identified or, if that is not possible due to exceptional circumstances beyond the control of the University, as soon as reasonably practicable thereafter and without undue delay.

5.5 Responsibilities for Compliance, Monitoring and Review

The Legal, Governance & Compliance team will maintain records of all reportable events and will periodically review them to establish if there are trends that require further investigation. Led by the Secretary to Council, they will also coordinate any remedial action required by OfS as a result of a reportable event and will also review compliance with this procedure and update this procedure in accordance with future OfS publications.

6. RELATED POLICIES AND PROCEDURES

A significant breach of, or event associated with, any University policy or procedure could potentially result in a reportable event, e.g. under the Fraud Response Procedure. The University regularly reviews its corporate governance provisions to mitigate against any adverse events occurring within the University, but particularly against any of a significant nature that would warrant reporting to the OfS. This procedure should also be read in conjunction with the Whistleblowing Policy & Procedure.

7. REVIEW, APPROVAL & PUBLICATION

This procedure shall be reviewed at least every three years and should remain reflective of the requirements of the OfS Regulatory Framework and Guidance.

Reviews shall be led by the Secretary to Council. Amendments and future versions of the procedure will be authorised in line with the University's Policy Framework. Significant changes to the procedure should also be reported to the Audit & Risk Committee and the Nominations & Governance Committee.

A copy of this procedure shall be available within the University's Policy Zone.

8. FURTHER INFORMATION

The University's Reporting Officer is the Secretary to Council:

Reporting Officer (Secretary to Council)	Fiona Dumbelton Tel: +44 (0)1782 733373 Email: f.dumbelton@keele.ac.uk

The OfS Regulatory Framework for Higher Education in England is available here:
https://www.officeforstudents.org.uk/publications/regulatory-advice-16-reportable-events/

9. DOCUMENT CONTROL INFORMATION

Document Name	OfS Reportable Events Procedure
Owner	Secretary to Council
Version Number	V2.1
Equality Analysis Form Submission Date	n/a
Approval Date	13/12/2021
Approved By	University Executive Committee

Date of Commencement	01/01/2022
Date of Last Review	03/03/2026
Date for Next Review	03/03/2029 or when new guidance is issued by OfS.
Related University Policy Documents	Whistleblowing Policy & Procedure; Fraud Response Procedure; Anti-bribery Procedure.
For Office Use – Keywords	