



**University of
Nottingham**

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Reportable Events Process

Version 1.0

January 2022

1.0 Introduction

This Reportable Events Process has been written to facilitate the reporting requirement prescribed by the Office for Students (OfS) under:

- ongoing condition of registration F3 “Provision of information to the OfS” within the OfS Regulatory Framework for Higher Education in England (para 494) and;
- the OfS Terms and Conditions for Funding of Higher Education Institutions.

It provides University staff, students and any other stakeholder with an outline of the process for the escalation of any adverse event or circumstance that materially affects the business of the University.

1.1 Scope

The University must comply with the OfS Regulatory Framework, which defines a Reportable Event (at para.494) 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 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 holds degree awarding powers*
- d) *The provider’s eligibility for university title, where the provider holds university title”*

The Regulatory Framework continues, noting:

In interpreting ‘the reasonable judgement of the OfS’, the OfS will, as a matter of policy, consider whether a reasonable provider intent on complying with all of its conditions of registration and acting in the interests of students and taxpayers (rather than in its own commercial, reputational or other interests), would consider the event or matter to be material.

The majority of incidents which occur in the course of University business are minor, localised and contained in their impact and are normally resolved through local management action, with minimal impact on health and safety, service delivery, finances, or reputation.

This procedure is therefore to address and report on events that are more significant and that fall within the scope of the reporting requirements prescribed by the OfS, outlined in section 1.2 below.

1.2 Definition of a Reportable Event

The OfS provide a non-exhaustive illustrative list of events or matters that may comprise reportable events. Some of these will always be reportable; others will be reportable under certain circumstances. There are seven broad categories outlined in the OfS framework:

- 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

Further details can be found in Appendix 1. The OfS Regulatory Advice 16: Reportable Events can be found [here](#).

1.3 Prevent Duty

The OfS has responsibility as monitoring authority of the Prevent Duty in the higher education sector, as set out in the Counter Terrorism and Security Act 2015 (CTSA). The University has separate, established procedures for managing Prevent related matters - the University's lead for compliance with the Prevent Duty is the Director of Student and Campus Life. The University is required to report matters relating to their compliance with the Prevent duty through its reportable events reporting requirements.

1.4 Reporting to other regulators

The University will also be required to notify other regulators about events, for example the Information Commissioner's Office for personal data related breaches. This does not negate the requirement to also notify the OfS where the conditions of the OfS regulatory framework have also been impacted.

2.0 Procedure

The following section covers the key procedural elements concerned with Reportable Events. In order to satisfy the reporting requirements, the University must investigate and report events as soon possible and within 5 working days of discovery. Where a potential reportable event is to be first investigated under an existing policy (See 2.1.2), the investigation should take place and conclude as soon as possible. If it is determined the event in this instance is reportable, reporting should take place within 5 days of the conclusion of the investigation.

2.1 Reporting Procedures (including Roles and Responsibilities)

Any member of staff, student or any other stakeholder who holds a reasonably held concern about an incident, event or circumstance which comes under a category listed in section 1.2, above, should report the matter in writing (preferably by email to reportable.events@nottingham.ac.uk) to the Director of Governance and Assurance without delay.

In order to ensure a standard and controlled process exists for reporting, assessing and then reporting potential events to the regulator, the following process should be followed:

2.1.1 Notification of potential events

Initial notification of potential events and associated details should be submitted to the Director of Governance and Assurance via the following email address:

reportable.events@nottingham.ac.uk

2.1.2 Assessment of potential events *(See also Appendix 2)*

The Director of Governance and Assurance will review the initial notification. Where an existing University policy relevant to the potential reportable event is in place, the event will be considered and investigated (where necessary) under that policy; the Director of Governance and Assurance will receive a report of any investigation. If the potential reportable event does not fall under an existing policy, or the investigation under an existing policy indicates the event may be reportable, the Director of Governance and Assurance will assemble the Assessment Team. This team will normally involve as a minimum:

- The Registrar;
- The Chief Financial Officer;
- General Counsel or Deputy;

- *Dependent on the nature of the event, the Director of Internal Audit, other members of the University Executive and specialist support will be involved as necessary*

Based on the information provided or by seeking further information from the relevant area of the University, this team will decide upon whether the event is reportable based upon the criteria set out in section 1.2, Appendix 1 and the overall materiality of the event.

Records will be maintained including any justification not to report an event based on materiality for future inspection.

It is important to note the OfS guidance is not exhaustive. The OfS note it 'is a provider's responsibility to decide whether a particular event or matter constitutes a reportable event and should be reported'. As such due consideration of anything that might be reportable is important.

2.1.3 Internal Reporting

Once the assessment team has determined it to be a reportable event, the Accountable Officer (Vice-Chancellor) will be consulted along with other members of the University Executive Board, if appropriate.

For significant cases, the Chair of Council and/or the Chair of the Audit & Risk Committee (ARC) will be informed at the time of reporting to OfS and then an oral or written report will be provided to the next ARC meeting for monitoring and compliance purposes.

2.1.4 Reporting to the OfS

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 Council.

Operationally, Reportable Events will normally be submitted by the Director of Governance and Assurance, the nominated Reporting Officer, in consultation with the Registrar, Vice-Chancellor and Chair of Council using the OfS portal.

2.1.5 Records Maintenance

The Governance and Assurance function will maintain records of all Reportable Events and will periodically review them to establish if there are trends that require further investigation.

3.0 Related Policies and Procedures

A significant breach of, or event associated with, any University policy or procedure could potentially result in a Reportable Event, for example, under the Fraud Response Plan. 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.

4.0 Review, Approval and Publication

This Procedure shall be reviewed in the first six months and subsequently every 12 months and should remain reflective of the requirements of the OfS Regulatory Framework, Regulatory Advice and Terms and Conditions of Funding. Reviews shall be led by the Director of Governance and Assurance.

5.0 Further Information

Reporting Officer (Director of Governance and Assurance)	Jason Carter jason.carter@nottingham.ac.uk
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The OfS Regulatory Framework for Higher Education in England is available [here](#).

The OfS Terms and Conditions for Funding of Higher Education Institutions is available [here](#).

Regulatory Advice 16: Reportable Events is available [here](#)

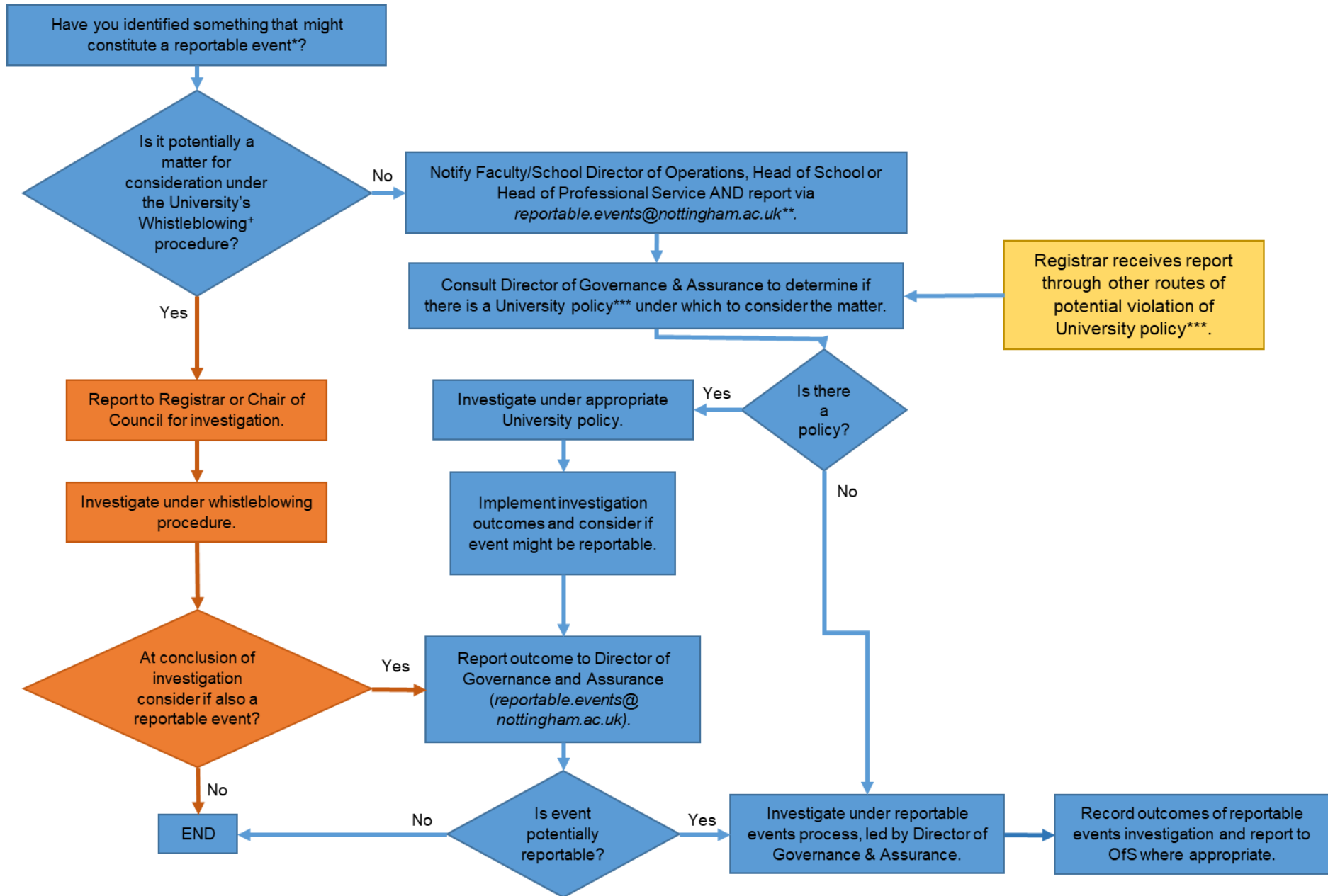
Appendix 1

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: <ul style="list-style-type: none"> 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.	Yes
iv. A change in the provider's legal form.	Yes
v. Amendments to the provider's governing documents.	No
vi. An acquisition by the provider of another entity.	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 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 planned contract review.	Yes
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.	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 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.	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.	No
vi. The following events or matters relating to fraud or financial irregularity: <ul style="list-style-type: none"> 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. 	No
vii. Legal or court action.	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, the Equality and Human Rights Commission or the Arts Council.	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 of registration, the provider's funding allocation, or statistics published by the designated data body.	No

Appendix 2



Key:

+ Whistleblowing procedure <https://www.nottingham.ac.uk/governance/otherregulations/whistleblowing/index.aspx>

* Reportable Event Definition:

“any event or matter that, in the reasonable judgement of the OfS, negatively affects or could negatively affect:

The provider’s eligibility for registration with the OfS

The provider’s ability to comply with its conditions of registration

The provider’s eligibility for degree awarding powers or university title, or its ability to comply with the criteria for degree awarding powers”

**For further advice please contact the Director of Governance and Assurance (reportable.events@nottingham.ac.uk)

***This covers a range of policies and activities including fraud and legal matters. A full list of relevant information can be found [here](#).

This policy applies where the University or its staff identifies something that might be considered a reportable event. Matters such as fraud, whistleblowing etc. can come to light in a number of ways.