



The
University
Of
Sheffield.

University
Secretary's
Office.

REPORTABLE EVENTS PROCEDURE

1. INTRODUCTION

1.1 Purpose

This Reportable Events Procedure has been written to facilitate the reporting requirement prescribed by the Office for Students (OfS) under ongoing condition of registration F3 "Reportable Event" within the OfS Regulatory Framework for Higher Education in England 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.

1.2 Definition

The University must comply with the OfS Regulatory Framework and associated additional guidance or requirements from time to time in force.

The Regulatory Framework defines a Reportable Event (at para.494) as:

"any event or circumstance that, in the judgement of the OfS, materially affects or could materially affect the provider's legal form or business model, and/or its willingness or ability to comply with its conditions of registration."

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 to address and report on events that are either more significant (that need to be reported to the University Executive or Council) or that fall within the scope of the reporting requirements prescribed by the OfS.

2. PROCEDURE

2.1 What constitutes a Reportable Event?

The OfS Regulatory Framework for Higher Education in England is available here:

https://www.officeforstudents.org.uk/media/1406/ofs2018_01.pdf

The OfS Terms and Conditions for Funding of Higher Education Institutions is available here:

https://www.officeforstudents.org.uk/media/1286/ofs-rfip-b3_ofs-terms-and-conditions-of-ofsfunding-for-heis-to-31-july-2019.pdf

There are currently twelve categories of examples of Reportable Events that are provided which must always be reported within the OfS Regulatory Framework, including:

- a) A change in circumstances (significant sale, merger, acquisition, status change, joint ventures, material change in business model);
- b) A change in ownership (concerning $\geq 50\%$ of shareholding);
- c) A change of control of the HEI (including a change of Governing Body Chair or a change of the Accountable Officer, including an interim);
- d) Becoming aware of suspected or actual fraud or financial irregularity – see Material Adverse Events below;
- e) Becoming aware of legal or court action;
- f) Resolving to cease to provide higher education;
- g) Regulatory investigation and/or sanction by other regulators, e.g. Charity Commission, Home Office;
- h) Loss of accreditation by a Professional, Statutory or Regulatory Body (PSRB);
- i) New partnerships, including validation or sub-contractual arrangements;
- j) Opening a new campus;
- k) Intended campus, department, subject or provider closure;
- l) Any other material events with possible financial viability or sustainability implications – see below.

2.2. Matters Adverse Events

The University also has a requirement under the OfS Terms and Conditions of Funding for Higher Education Institutions (para.39) to report any other material adverse change in the University's position without delay. Examples include, but are not limited to the following:

- a significant and immediate threat to the financial position;
- significant fraud (defined as fraud of $\geq \pounds 25k$);
- impropriety or major accounting breakdown; – see also internal reporting, below.

The requirements for “other” reportable events include, but are not limited to the following:

- Removal or resignation of the external or internal auditors before the end of the term of their appointment – a requirement of the OfS Terms and Conditions of Funding (para.41);
- Changes affecting the accuracy of information on the OfS Register;
- Failure to comply with the on-going Conditions of Registration;
- A data breach that requires reporting to the Information Commissioner's Office, where the ICO decide to investigate the matter reported.

2.3 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 reporting to the OfS on such matters – the University’s strategic lead for compliance with the Prevent Duty is the Executive Director of Academic Services.

2.4. When, how and what is reported?

The University is reliant on its staff, students and stakeholders to bring any Reportable Events to its attention, without delay. Wherever possible, the OfS expect to be notified by providers as soon as the University is aware of such an event or circumstance, whether this is before, during or after its occurrence. Details of Reportable Events must be submitted via the OfS online portal, using the secure access key provided to the Accountable Officer. There are 3 standardised forms (Excel documents), with added attachments permitted:

- a) Form 1A - Accountable Officer and Chair of Governing Body changes;
- b) Form 1B - Declaration of directorships/trusteeships at other organisations (for members of Council);
- c) Form 2 - Other Reportable Events.

Once completed successfully, the portal provides onscreen confirmation. The OfS Transition Period Regulation Team will then review the information received and will make contact with the University through the Chair of Council, Accountable Officer or Reporting Officer, as appropriate, to confirm if further information or action is required.

3. ROLES AND RESPONSIBILITIES

3.1. OfS Reporting

The Accountable Officer (the President & 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. Operationally, most Reportable Events will be submitted by the University Secretary as the Accountable Officer’s nominated Reporting Officer, in consultation with the President & Vice-Chancellor and Chair of Council.

3.2. Internal Reporting

Any member of staff, student or any other stakeholder who holds a reasonably held concern about an incident, event or circumstance which is reasonably believed might be a Reportable Event (as above), should report the matter in writing (preferably by email) to the University Secretary without delay. In the case of staff, this should be done through existing line management arrangements in the first instance.

The University Secretary is responsible for consulting with the President & Vice-Chancellor and Chair of Council, as considered appropriate for the circumstances, and to determine whether a report is required and then to formulate the report for submission.

For significant cases (i.e. which are deemed to have or to risk having a potentially significant adverse impact on the University's business and/or reputation), the University Secretary will inform the Chair of the Audit Committee at the time of reporting to OfS. An oral or written report will be provided to the next Audit Committee meeting for monitoring and compliance purposes.

For Material Adverse Events – referenced above – there is a requirement within the OfS Terms and Conditions of Funding (para.39) to inform all of the following:

- Chair of Council;
- Chair of the Audit Committee;
- Head of Internal Audit; and
- the External Auditor.

For significant cases, the University Executive Board will also be informed that an event has been reported to the OfS, in addition to the regular reporting on OfS compliance through the UEB Risk Review Group.

3.3. Record Keeping

The University Secretary will maintain records of all Reportable Events and will periodically review them to establish if there are trends that require further investigation. A record will also be kept of a decision not to report an event, with reasons. An OfS Compliance Register will be maintained by the University Secretary and regularly reported to Risk Review Group, Audit Committee and Council.

4. 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 or the Public Interest Disclosure (Whistleblowing) Policy and 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. The process of monitoring and discharging the University's responsibility to notify the OfS of any reportable event within the necessary timescale forms part of the University's system of internal control and will be subject to periodic review by internal audit and reported to Council through the Audit Committee.

5. 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 Terms and Conditions of Funding. Reviews shall be led by the University Secretary as Secretary to Council. Amendments and future versions of the Procedure will be authorised by the President & Vice-Chancellor, as the Accountable Officer, and the Chair of Council.

Significant changes to the Procedure will also be reported to the Audit Committee. A copy of this Procedure shall be available on the University's governance webpages.

6. FURTHER INFORMATION

The University's Accountable Officer is the President & Vice-Chancellor.
The designated Reporting Officer is the University Secretary.