REPORTABLE EVENTS PROCESS

1.0 Introduction

1.1 As part of its obligations under the Regulatory Framework for Higher Education in England (condition of registration F3 'Provision of information to the OfS'), the University is required to identify and report significant events that are considered to be reportable events to the Office for Students (OfS).

1.2 The purpose of this document is to facilitate this reporting requirement and to provide guidance to University staff, students and any other stakeholder on the process for escalating any adverse event or circumstance that materially affects the business of the University.

2.0 Definition

2.1 A reportable event is defined within the OfS Regulatory Framework 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.

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 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 service delivery or the University's broader legal and compliance duties.

3.0 What constitutes a reportable event

3.1 The OfS provides a non-exhaustive list of events or matters that may comprise reportable events, some of which are always reportable and others which may only be reportable in certain circumstances. The seven categories outlined in the OfS regulatory framework are:

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.

The full list and further information can be found in the OfS Regulatory Advice 16: Reportable Events.

Many of the examples provided by the OfS are things that, if they took place, would affect the University at institutional level. Examples that may be more relevant to the day-to-day activities of the University include:

- Notification of an investigation by a professional, regulatory or statutory body which would include organisations that accredit our degrees;
- Closure of a subject area or department;
- Fraud and legal cases under certain circumstances.

4.0 Prevent Duty

4.1 The OfS has responsibility as the monitoring authority of the Prevent Duty in the higher education sector, as set out in the Counter Terrorism and Security Act 2015. The University has a separate Prevent Policy which sets out procedures for managing Prevent related matters - the University's lead for compliance with the Prevent Duty is the University Secretary. The University is required to report matters relating to its compliance with the Prevent duty to the OfS through its reportable events reporting requirements.

5.0 Reporting to other regulators

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

6.0 Governance and Key Staff Responsibilities

6.1 The Board of Governors is ultimately accountable for the University's compliance with the Office for Students' ongoing conditions of registration. As recorded in the University's Scheme of Delegation, responsibility for ensuring the University's compliance with the Reportable Events requirements has been delegated to the University Secretary.

6.2 The University Secretary will be assisted in the execution of these responsibilities by the Corporate Governance and Committees Unit.

7.0 Reporting Procedures

7.1 The OfS requires providers to report events as soon as possible and within 5 working days of discovery. For events yet to happen, the timeframe is within 5 working days of the provider formally discussing the matter. Where a potential reportable event is to be first investigated under an existing policy, the investigation should take place and conclude as soon as possible. If it is determined that the event in this instance is reportable, reporting should take place within 5 days of the conclusion of the investigation.

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

7.2.1 *Notification*

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 under 3.1 above, should report the matter in writing (preferably by email) to the University Secretary and the Corporate Governance and Committees Unit (KU-Secretariat@kingston.ac.uk) without delay.

7.2.2 *Assessment*

The University Secretary 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 University Secretary 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 University Secretary may consult with the Chair of the Board, the Vice-Chancellor and/or members of the Senior Leadership Team as necessary. The University Secretary will then make a final decision upon whether the event or matter is reportable based upon the criteria set out in the OfS guidance and the overall materiality of the event.

It is important to note that 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'. The Corporate Governance and Committees Unit will maintain a record of all decisions, including any justification not to report an event, for future inspection.

7.2.3 *Internal Reporting*

Details of any reportable events reported to the OfS will be included in regular reports on OfS compliance submitted to the Senior Leadership Team, the Audit and Risk Assurance Committee and the Board of Governors.

7.2.4 *Reporting to the OfS*

The Accountable Office (Vice-Chancellor) is responsible for ensuring that such events are reported to the OfS. All events submitted should be on behalf of the Chair of the Board.

Operationally, reportable events will normally be submitted by the University Secretary using the OfS portal.

7.2.5 ***Records Maintenance***

The Corporate Governance and Committees Unit will maintain records of all Reportable Events and will periodically review them to establish if there are trends that require review.

8.0 Related policies

This Procedure should be read in conjunction with the Whistleblowing Policy.

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