

Reportable Events Policy & Procedures

LCCA Governance

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Section 1: Purpose and Principles

- 1.1 The purpose of this Policy is to ensure that LCCA duly reports any events or matters that are required to be reported to the Office for Students (OfS).
- 1.2 It is LCCA's **Policy** that any events or matters that are required to be reported to the OfS are duly reported in accordance with regulatory requirements.
- 1.3 The **Procedures** are intended to ensure consistency of decision making and to provide assurance to the Board of Directors (the "Board") and other stakeholders that events are identified, appropriately considered, and reported where necessary.

Section 2: Scope

- 2.1 This Policy applies to the following reporting to OfS:
 - 2.1.1 Reportable Events as defined in paragraph 494 of the OfS Regulatory Framework and with reference to the OfS Regulatory Advice 16 (Reportable Events);
 - 2.1.2 The requirement in Condition E3 (accountability) to nominate a senior officer as the "Accountable Officer", and to notify a change of Accountable Officer or change of Chair;
 - 2.1.3 The requirement in Condition C3 (student protection plan) to inform the OfS of events (except for the closure of an individual course) that require the implementation of the provisions of the student protection plan;
 - 2.1.4 The requirement in Condition E4 (notification of changes to the Register) requiring a provider to notify the OfS about changes or errors in information presented about the provider on the OfS Register;
 - 2.1.5 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. LCCA has separate processes for reporting Prevent-related incidents to the OfS. However, matters concerning LCCA's compliance with the Prevent Duty shall fall within the remit of this Policy.
 - 2.1.6 Any updates or amendments to the reporting requirements set out above as published by OfS from time to time; and
 - 2.1.7 Any specific reporting requirements issued directly to LCCA by the OfS (usually as an F3 notice or a specific condition of registration). The Director of Quality & Governance shall keep a record of all F3 notices and conditions of registration and inform LCCA's Board and Audit and Risk Committee ("ARC") of receipt.

Section 3: Policy

3.1 What is a Reportable Event?

- 3.1.1** The Office for Students Regulatory Framework sets out the following definition of a Reportable Event (at para 494):

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.

In interpreting 'the reasonable judgement of the OfS', the OfS will, as a matter of policy, consider whether a reasonable provider that is 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.

- 3.1.2** Further information and guidance regarding Reportable Events is published in OfS Regulatory Advice 16, which should be read with this Policy.
- 3.1.3** Regulatory Advice 16 contains a non-exhaustive, illustrative list of reportable events, which includes some events that are always reportable.
- 3.1.4** For events or matters that are not identified as "always reportable" in Regulatory Advice 16 or in any F3 Notice issued to LCCA, LCCA must apply the materiality test set out in the OfS Regulatory Framework and Regulatory Advice 16 in determining whether a report is required. In applying the materiality test, LCCA shall 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 and therefore reportable. That judgement may depend on a number of factors, including the size and complexity of LCCA and the context in which the event or matter takes place.
- 3.1.5** A change to the identity of the Chair of the Board or a change to the identity of the nominated Accountable Officer must always be notified to the OfS and such notifications will be managed in accordance with this Policy.

3.2 Timing for Reporting

- 3.2.1** A provider is required to report an event within five (5) working days of the date that the event is identified or, if that is not possible due to exceptional circumstances beyond the control of the provider, as soon as reasonably practicable thereafter and without undue delay. In respect of events that have yet to happen, the following timing requirements apply:
- (a) where the event or matter is relevant to LCCA's eligibility for registration with the OfS, the event shall be reported within five working days of the matter being first contemplated (i.e. when LCCA first formally discusses its plans or the matter with its Board, owners or shareholders, even where details may not be firm); and
 - (b) where the event or matter is relevant to LCCA's compliance with its conditions of registration, or to its authorisation for degree awarding powers or university title, the event shall be reported within five working days of LCCA becoming aware that the event or matter may or will have that effect.
- 3.2.2** In each case, if reporting within five working days is not possible due to exceptional circumstances beyond the control of LCCA, the report shall be made as soon as reasonably practicable thereafter and without undue delay.
- 3.2.3** Timescales for reporting are strict and also apply to events that have not yet happened but are foreseen. It is essential that internal reports are made promptly under paragraphs 4.1 and 4.2.

3.3 Responsibilities

- 3.3.1** The Accountable Officer is responsible for ensuring that all Reportable Events are reported to the OfS and for making a final determination (subject to Board authority).
- 3.3.2** The Accountable Officer has delegated day to day oversight of Reportable Events, and ensuring that reports are made, to Director of Quality & Governance (or their nominee in their absence). The Director of Quality & Governance is responsible for advising the Accountable Officer on matters that are potentially Reportable Events. The Director of Quality & Governance will consult with other relevant staff as appropriate, and those staff may be invited to provide information as required.
- 3.3.3** Where a potential Reportable Event relates to the Accountable Officer or Director of Quality & Governance, the Chair of the Board must be informed and will make the final determination. In such circumstances, the Accountable Officer shall not make the report to the OfS; the Board shall itself make the report or delegate the action to another appropriate individual. Where the Accountable Officer is the subject of a report, the individual making the report must clearly state to the OfS that it would not be appropriate for the OfS to respond to the Accountable Officer.
- 3.3.4** Director of Quality & Governance is responsible for ensuring that reports are submitted in the OfS Portal and recorded for regular reporting to the Accountable Officer, Board and the ARC.
- 3.3.5** Director of Quality & Governance will notify the Accountable Officer of all Reportable Events so that any necessary management action can be taken to respond.

- 3.3.6** All members of staff have a responsibility to report circumstances that may constitute Reportable Events promptly.
- 3.3.7** LCCA's senior management team are responsible for ensuring that arrangements are in place locally to raise awareness of the need to report as set out at paragraph 4. Arrangements should include having a standing agenda item to discuss Reportable Events at formal executive meetings and for minuting the outcome of that consideration. Where potential reportable events are identified, they should be reported immediately following the reporting process in paragraph 4.1. Due to the timeline set by the OfS staff members should not wait until formal consideration at a meeting to make a report.
- 3.3.8** The Board has overall responsibility for ensuring that LCCA complies with its conditions of registration with OfS and must be kept informed of correspondence with OfS about Reportable Events and notified of all Reportable Events (normally via reporting to the ARC).

Section 4: Procedures

- 4.1** All matters identified as potential Reportable Events should be emailed to governance@lcca.ac.uk for urgent consideration.
- 4.2** Where reports have been made, or are likely to be made, to another regulator regarding a breach or potential breach of obligations by LCCA this must also be notified by email to governance@lcca.ac.uk to enable OfS reporting to be considered under these Procedures.
- 4.3** Director of Quality & Governance or their nominee will review emails received under 4.1 and 4.2 of these Procedures and request further information as required to determine whether it is a Reportable Event. Where Director of Quality & Governance receives reports under other policies, they will also consider whether that could constitute a Reportable Event.
- 4.4** All Reportable Events will be submitted to the OfS Portal by Director of Quality & Governance or their nominee.
- 4.5** For significant cases, the Chair of the ARC and the Chair of the Board will be informed at the time of reporting to OfS in addition to a report being provided to the next ARC meeting.
- 4.6** The Director of Quality & Governance will maintain a register of all Reportable Events including a decision log of matters considered under this Policy and Procedures but determined not to be reportable. In particular, where a decision about whether to report is finely balanced, the reasons for the decision shall be recorded in sufficient detail to demonstrate to the OfS that the decision was taken with due care and attention and with regard to relevant matters.

Section 5: Accessibility and Alternative Formats

- 5.1** If you need this policy in a different format, contact quality@lcca.ac.uk. We can normally provide large print / an accessible Word version / other agreed formats and will discuss anything else you need.

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