

DRAFT CONSULTATION RESPONSE

OfS consultation on reportable events

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Question 1: Do you agree or disagree with the proposed revision to the definition of a 'reportable event' in paragraph 494 of the regulatory framework? What are your reasons for this?

The revised definition is an improvement on the previous definition of a reportable event. This new definition provides more clarity to providers on the criteria accountable officers and governing bodies should use when considering whether or not an event is reportable. The narrower definition and more specific criteria will reduce speculation by providers as to the potential assessment of the OfS about the nature of any reportable event. This new criteria means that providers can make better judgements about the reportability of specific events, and have increased certainty about how the OfS will assess those events.

Question 2: Do you have any comments about the proposed consequential amendments to the guidance in the regulatory framework that underpins condition F3 (provision of information to the OfS)?

No

Question 3: Do you have any comments about the proposed guidance on reportable events?

The revised guidance maintains the requirement for reportable events to be submitted to the Office for Students within 5 days of becoming aware of the event. This now includes some useful caveats about the role official meetings, such as those of the governing body, will play in triggering the start of the 5-day period. The previous guidance was unclear as to whether an event became reportable at the first point it was discussed (e.g. informally between a university and a potential partner), at some point during planning, or when a contract was signed – to use one example. This guidance provides much needed clarity for some reportable events that will aid decision making by accountable officers.

However, there is still a risk that the 5-day period will create issues with unplanned, unforeseen events that made need significant investigation by providers before they are in position to accurately report the event to the Office for Students. The guidance is unclear on whether the 5-day period is based on calendar or work days. If it is based on calendar days, this could create undue pressure on accountable officers to report events without full knowledge, if the event is identified, for example, late on a Friday evening. Great clarity on this is sought, as is greater assurance of the how the points made by OfS in paragraph 35 of the new guidance that "the event should be reported as soon as reasonably practicable and without undue delay" will be implemented and managed.

The new guidance provides a substantial, though not exhaustive, list of examples of what may constitute a reportable events, with an indication of whether they are always reportable, or if providers have some discretion. This is extremely useful to providers, and it is especially welcome that these new examples are included in the context of consultation about the new guidance. As the OfS continues together evidence and improve its understanding of reportable events, it should ensure that any changes to this list of examples be

consulted on. It would be problematic for the OfS to make unannounced changes to this list, as it may place providers at a disadvantage.

Question 4: Do you have any comments about any unintended consequences of these proposals, for example for particular types of provider or course or for any particular types of student?

No

Question 5: Do you have any comments about the potential impact of these proposals on individuals on the basis of their protected characteristics?

No

Question 6: Do you have any other comments?

No