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20 October 2021

Dear [accountable officer]

## Requirement to report reportable events to the OfS

We have today published the outcomes of our recent consultation on reportable events.<sup>1</sup> Now that our consultation has concluded, we are returning to more normal reporting arrangements for registered providers and this letter sets out the requirements that will be in place from 1 January 2022.

### Outcomes of our consultation

We are revising the definition of reportable events in the regulatory framework and issuing revised guidance, Regulatory advice 16.<sup>2</sup> Our revised arrangements provide greater clarity about our reporting requirements and will better assist providers in understanding and meeting their reporting obligations. The revisions we are making do not change the broad scope of the substantive matters that have to be reported to us under the regulatory framework.

The revised definition, and guidance, will come into effect on **1 January 2022**.

### Reporting requirements

In response to the coronavirus pandemic, we suspended some of our reporting requirements and introduced some very specific new reportable events requirements, to reduce burden on providers in the exceptional circumstances that they were facing.

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<sup>1</sup> See [www.officeforstudents.org.uk/publications/consultation-on-ofs-approach-to-reportable-events-analysis-of-responses-and-decision/](http://www.officeforstudents.org.uk/publications/consultation-on-ofs-approach-to-reportable-events-analysis-of-responses-and-decision/).

<sup>2</sup> See [www.officeforstudents.org.uk/publications/regulatory-advice-16-reportable-events/](http://www.officeforstudents.org.uk/publications/regulatory-advice-16-reportable-events/).

Our view is that to continue with a reduced number of reportable events is not a sustainable position, as we move into a more normal regulatory environment. We are not currently receiving reportable events that are relevant to compliance with a range of conditions of registration and this limits our ability to operate a risk-based monitoring approach and to protect the interests of students and taxpayers. We are therefore now reimposing more normal reporting requirements.

Annex A sets out our requirements in relation to reportable events that will apply from 1 January 2022. With effect from that date, the Notice in Annex A, which is issued under general ongoing condition of registration F3, will supersede **all** previous Notices issued to you in relation to reportable events requirements.

The Notice is structured to reflect the revised guidance in Regulatory advice 16 and to set out your reporting obligations in the following categories:

- a. Events or matters that are always reportable for all providers.
- b. Any events or matters that are always reportable for your provider. Some providers have additional bespoke reporting requirements as a result of the OfS's risk-based approach to regulation. For those providers, these requirements are listed in the Notice.
- c. Events or matters that may be reportable because they otherwise fall within the definition of a 'reportable event'. These are matters for which you are expected to make a judgement about reporting.

You should continue to use the portal to submit reportable events. Please contact us if you are unable to access the portal.

## **Next steps**

Our existing, reduced, reportable events requirements will continue to apply until 31 December 2021. Those requirements are set out in our letters of 25 March 2020<sup>3</sup> and 30 July 2020<sup>4</sup> or, if your provider was registered with the OfS after those dates, in the letter sent to you at the time of your registration.

Please contact us at [regulation@officeforstudents.org.uk](mailto:regulation@officeforstudents.org.uk) or on 0117 931 7305 if you have any questions about this letter, or the Notice set out in Annex A.

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<sup>3</sup> See [www.officeforstudents.org.uk/publications/regulatory-requirements-during-the-coronavirus-covid-19-pandemic/](http://www.officeforstudents.org.uk/publications/regulatory-requirements-during-the-coronavirus-covid-19-pandemic/).

<sup>4</sup> See [www.officeforstudents.org.uk/publications/update-on-the-office-for-students-approach-to-regulation-and-information-about-deadlines-for-data-returns/](http://www.officeforstudents.org.uk/publications/update-on-the-office-for-students-approach-to-regulation-and-information-about-deadlines-for-data-returns/).

Yours sincerely

**Susan Lapworth**  
**Director of Regulation**

## **Annex A: Information requirements for reportable events**

**To:** The governing body, [name of provider] (the “Provider”)

### **Notice under general ongoing condition of registration F3: Provision of information to the Office for Students (“OfS”) – Reportable events**

#### **Whereas:**

(A) The Provider was registered by the OfS in accordance with section 3 of the Higher Education and Research Act 2017 (HERA) on the Register of English higher education providers.

(B) For the purpose of assisting the OfS in performing any function, or exercising any power, conferred under any legislation, the OfS has the power under general ongoing condition F3(i) (and by virtue of section 8(1)(b) of HERA) to compel the governing body of a registered English higher education provider to provide the OfS, or a person nominated by the OfS, with such information as the OfS specifies at the time and in the manner and form specified.

#### **Therefore:**

Pursuant to general ongoing condition of registration F3, the Provider is required to provide the Specified Information at the Specified Time and in the Specified Manner, from the Relevant Date and on an enduring basis.

#### **Specified Information:**

The Specified Information is:

- (a) Any event or matter which is listed in OfS Guidance as ‘always reportable’ for all providers;
- (b) Any event or matter which is always reportable for the Provider as listed in Schedule 1 to this Notice;
- (c) Any event or matter which otherwise falls within the definition of a Reportable Event.

#### **Definitions:**

“OfS Guidance” means Table 1 of Annex A of Regulatory Advice 16, as may be revised from time to time.

“Regulatory Framework” means the document(s) in effect for the purposes of section 75 of the Higher Education Research Act 2017, as of 1 January 2022 and then as may be revised from time to time.

“Reportable Event” means any events or matters that fall within the definition of a reportable event in paragraph 494 of the Regulatory Framework.

“Relevant Date” means the later of 1 January 2022 or the date of the Provider’s entry in the OfS’s Register of higher education providers.

“Specified Manner” means the Specified Information must be provided to the OfS via the OfS portal at: <https://extranet.officeforstudents.org.uk/Data>.

“Specified Time” means within five working days of the date that the Reportable 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.

Signed on behalf of the OfS and authorised for that purpose

Susan Lapworth  
Director of Regulation

Date: 20 October 2021

**Schedule 1: Events or matters which are always reportable for the Provider**

[List of events or matters in this category for the provider]