

## Reportable events summary (applies from 1 January 2022)

If you have any queries relating to reportable events please contact Louise Spenceley – [l.spenceley@susex.ac.uk](mailto:l.spenceley@susex.ac.uk)  
The OfS Regulatory Advice 16: Reportable Events guidance can be read in full: [here](#)

The regulatory framework defines a reportable event as:

**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 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.**

*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 in its own commercial, reputational or other interests), would consider the event or matter to be material.*

Below is non-exhaustive illustrative list of reportable events. **Events that are always reportable (as directed by the OfS) are in red:**

- a) **Matters relating to a provider's ownership, legal form or corporate structure, including but not limited to:**
  - 1) **The legal entity that is registered ceasing to exist. This might be as a result of:**
    - **The acquisition by another legal entity of the business operated by a provider.**
    - **A merger of the provider with another registered or unregistered higher education provider.**
  - 2) **A merger of the provider with another registered or unregistered higher education provider.**
  - 3) **A change of ownership, including through a sale, of the provider.**
  - 4) **A change in the provider's legal form.**
  - 5) **Amendments to the provider's governing documents.**
  - 6) **An acquisition by the provider of another equity.**
  - 7) **A sale of a part of the provider or its parent.**
- b) **Matters related to the delivery of higher education in England, including but not limited to:**
  - 1) **The provider resolving to cease to carrying on its business principally in England.**
  - 2) **The provider resolving to fully or substantially cease providing higher education, whether or not this results in the closure of the provider.**

- 3) A change in the provider's business model, such as a move to focus on further instead of higher education.
- 4) Loss, including suspension, of the provider's student sponsor licence.

**c) Matters relating to the quality and standards of a provider's higher education course, including but not limited to:**

- 1) A notification to the provider of an investigation by an awarding organisation or awarding body or by a professional, regulatory or statutory body
- 2) A notification to the provider that its awarding organisation or awarding body is to withdraw from the arrangement, where this is not a routine consequence of a planned contract review.

**d) Matters relating to student and consumer protection, including but not limited to:**

- 1) The provider receiving a complaint that it has charged or advertised fees that exceed a statutory fee limit or a fee limit imposed as a result of an approved access and participation plan.
- 2) A new campus, whether in the UK or internationally.
- 3) Closure of a campus, department, or subject area, whether or not this is in the provider's approved student protection plan.
- 4) Termination of a partnership arrangement, whether in the UK or internationally, where this results in a contract change for students.
- 5) Complaints from students that are upheld in full or in part by the provider, or by the OIA, and that result in redress for a student (including a full or partial fee refund) or changes within the provider.

**e) Matters relating to a provider's financial viability or sustainability, including but not limited to:**

- 1) A likely drop in the provider's liquidity to below 30 days' average expenditure unless this is the provider's normal cash management policy or is mitigated through an agreed revolving credit facility, overdraft or other financing.
- 2) A likely breach of any financial covenant attached to a loan, where that breach has not been waived by the lender.
- 3) For a provider with a legally binding obligation of, or which otherwise receives, financial support underpinning its financial viability and sustainability, the withdrawal of the obligation or that financial support (including as a result of a change of ownership or control of the provider, even where the new owner will offer a similar obligation or financial support), or an adverse change in the counterparty's financial position or other standing that could affect its suitability as a counterparty.
- 4) A provider's external auditor has notified the provider that it may conclude that the provider is not a going concern, including where the provider is asked to submit additional information to the auditor in response to such a notification.
- 5) A provider's trustees or directors are considering making an assessment that the provider is not a going concern.
- 6) Any matter or event that may result in the provider being unable to pay its creditors as debts fall due.
- 7) A change in the provider's actual or forecast financial performance or position.
- 8) A change in financial commitments or borrowings.
- 9) A change in forecast or actual student numbers that was not included in the most recent financial forecasts submitted to the OfS.
- 10) For a provider that is part of a larger corporate group, any adverse change in the group's financial position.
- 11) The sale of assets.
- 12) A redundancy programme.

**f) Matters relating to management and governance, including but not limited to:**

- 1) Changes to the identity of the individual a provider wishes to nominate to the OfS as its accountable officer.
- 2) Changes to the identity of the chair of a provider's governing body.
- 3) A change of control of the provider.
- 4) A matter relating to the provider's compliance with the Prevent duty as set out in the OfS's monitoring guidance.
- 5) The initiation of a governance review where this is not a routine part of a provider's planned arrangements. Factors in favour of reporting may include:
- 6) The following events or matters relating to fraud or financial irregularity:
  - (a) The provider receives a complaint or allegation that it may have committed fraud
  - (b) The provider initiates an investigation into a possible fraud or financial irregularity involving the provider
  - (c) The provider is notified that a third-party is investigating the provider in relation to a possible fraud or financial irregularity
  - (d) A third-party makes a finding that the provider has committed fraud.
- 7) Legal or court action.
- 8) Regulatory investigation and/or sanction by other regulators or funding bodies, for example the Education and Skills Funding Agency, Ofsted, the Charity Commission, the Equality and Human Rights Commission or the Arts Council.

**g) Matters relating to information provision, including but not limited to:**

- 1) Any matter which affects the accuracy of the information contained in the provider's entry in the OfS Register.
- 2) Inaccuracies or omissions in the information finally submitted by a provider to the OfS or the designated data body, including where this may have an impact on the OfS's use of the data including in determining compliance with another condition of registration, the provider's funding allocation, or statistics published by the designated data body.