

Serious Incidents Reporting Policy

2018-2021



Edge Hill
University

Serious Incidents Reporting Policy

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Summary

This policy aims to provide guidance on how you should approach and deal with the reporting of a Serious Incident or matter and, for staff and contractors of the University, should be read in conjunction with the University's Whistleblowing Policy. The Whistleblowing Policy provides employees with the protection from any detriment as a result from making a 'qualifying disclosure' (as defined in that policy).

This policy is distinct from the University's grievance and complaints procedures. If, as a member of staff, you have a personal complaint relating to your employment should consult the Grievance Policy and if, as a student, you are not satisfied with your student experience at the University you should consult the Student Complaints Procedure in the first instance.

Glossary of Terms

Term	Meaning
Conditions of Registration	Compliance with the OfS Regulatory Framework " <i>Securing student success: Regulatory framework for higher education in England (February 2018)</i> "
OfS	The Office for Students
Reportable Event	An incident which arises from or is connected with University activities in the UK or abroad and has, or may result in, a significant loss of University funds, a risk of severely damaging the University's reputation, or which may materially affect the University's ability to comply with the OfS' ongoing Conditions of Registration (detailed in Appendix 1)
Serious Incidents	Significant incidents or events which may negatively impact the institution

Purpose

The purpose of this policy is to give University staff, students and other stakeholders the opportunity and confidence they need to raise concerns internally, and to allow the University to take steps which will prevent any Serious Incident occurring again. The University expects that in almost all cases, raising concerns internally in accordance with this policy will be the most appropriate action to take.

This Policy applies to all staff (irrespective of the nature of their employment contract), students of the University, and any other individual or organisation which has a relationship with the University.

Policy

Introduction

The University is a large and complex organisation, and as such significant incidents or events will occasionally occur which may negatively impact the institution ("**Serious Incidents**"). The University takes malpractice or matters which could affect its regulatory status very seriously and through this policy wishes to encourage open communication with its staff, students and other stakeholders about any concerns.

The purpose of this policy is to give University staff, students and other stakeholders the opportunity and confidence they need to raise concerns internally, and to allow the University to take steps which will prevent any Serious Incident occurring again. The University expects that in almost all cases, raising concerns internally in accordance with this policy will be the most appropriate action to take. This policy aims to provide guidance on how you should approach and deal with the reporting of a Serious Incident or matter and, for staff and contractors of the University, should be read in conjunction with the University's Whistleblowing Policy. The Whistleblowing Policy provides employees with the protection from any detriment as a result from making a 'qualifying disclosure' (as defined in that policy).

This policy is distinct from the University's grievance and complaints procedures. If, as a member of staff, you have a personal complaint relating to your employment should consult the Grievance Policy and if, as a student, you are not satisfied with your student experience at the University you should consult the Student Complaints Procedure in the first instance.

University's reporting requirements

Condition F3 of the Office for Students' ("**OfS**") regulatory framework, "*Securing student success: Regulatory framework for higher education in England (February 2018)*" (the "**Conditions of Registration**"), requires the University to report particular incidents or circumstances to the OfS (a "**Reportable Event**"). Extracts of Condition F3 of the Conditions of Registration which are relevant to the University are set out in Appendix 1.

A Reportable Event is one which arises from or is connected with University activities in the UK or abroad and has, or may result in, a significant loss of University funds, a risk of severely damaging the University's reputation, or which may materially affect the University's ability to comply with the OfS' ongoing Conditions of Registration. Accordingly, the purpose of this Policy is to encourage staff, students and third parties to report any Serious Incident to the University to

enable it to safeguard its funds, reputation and regulatory status and to notify the OfS when these are Reportable Events.

For the University to be able to notify Reportable Events to the OfS (in compliance with its Conditions of Registration), it therefore is reliant on its staff, students and stakeholders to bring Serious Incidents to its attention.

Material Adverse Events

The University also has a requirement under the OfS terms and conditions of funding for Higher Education Institutions (OfS 2018.15) to report any material adverse change in the University's position without delay – such as a significant and immediate threat to the financial position, significant fraud (defined as fraud of £25,000 or over), or impropriety or major accounting breakdown.

Scope of this policy

This Policy applies to all staff (irrespective of the nature of their employment contract), students of the University, and any other individual or organisation which has a relationship with the University.

Procedure for reporting an incident

In the first instance and as soon as reasonably practicable, details of any Serious Incident should be submitted in writing to the Deputy Vice-Chancellor. If for any reason it is not possible or appropriate to make a report to the Deputy Vice-Chancellor, for example, because they are the subject of the report, or are involved or otherwise conflicted it should be submitted to the University Secretary

When making a report, the reporting individual should include the following information:

- a) the nature of the incident or circumstance (so far as it is possible to describe this e.g. fraud, breach of the University's governing documents, the loss of accreditation);
- b) the impact or potential impact the incident or circumstance has, or could have, on the University;
- c) the date of the incident or circumstance, or whether the incident or circumstance is suspected;
- d) the names of any individuals involved or suspected of being involved in the incident or circumstance;
- e) whether the reporting individual reported the incident or circumstance to another individual, authority or regulatory body before making a report in accordance with this Policy e.g. to a staff member, the police or to a professional or regulatory body;
- f) details of any ongoing inquiries into the incident or circumstance and any actions taken to date; and

- g) Whether any existing applicable University policies have been consulted (e.g. the Whistleblowing Policy or the Health, Safety and Environmental Policy). The person to whom the report is submitted will decide whether the incident or circumstance is a Serious Incident which should be dealt with under this Policy. If it is considered that the matter should also or alternatively be dealt with under a different University policy or procedure, for example the Fraud and Serious Incident Response Plan, the person submitting the report will be advised as to the appropriate steps which should be taken.

Anonymity and confidentiality

The University takes confidentiality seriously and will, if requested, keep the identity of an individual reporting a Serious Incident under this Policy confidential. Individuals can also report such an incident or circumstance anonymously, however, this may mean the University is not able to investigate the matter as effectively as those made openly.

Investigation process

Upon receipt of the report of a Serious Incident, the Deputy Vice-Chancellor or the University Secretary will, if deemed appropriate, offer to hold a meeting, in confidence, with the person who submitted the report. The purpose of the meeting will be for the Deputy Vice-Chancellor or University Secretary to obtain as much information as possible about the incident or circumstance.

Following the meeting, the Deputy Vice-Chancellor or University Secretary will determine if the incident or circumstance is a Serious Incident under this Policy, and if so, will appoint an 'Investigation Manager'. The Investigation Manager might be a senior manager at the University independent to the matter. If the subject of the report involves a member of the senior management of the University, the Investigation Manager shall be Head of Internal Audit.

An incident may be referred by the Investigation Manager to the police or other appropriate public authority. The University may also commission an independent enquiry, for example by the University's auditors.

If the matter is to be investigated by an Investigation Manager, the following process will be followed:

- (a) it will be conducted as sensitively and quickly as possible;
- (b) the Investigation Manager will report their findings, together with appropriate recommendations, to the Deputy Vice-Chancellor or University Secretary, normally within 28 days of being appointed Investigation Manager although this depends on the complexity of the matter and the number of individuals involved;
- (c) the person who reported the incident or circumstance will be informed whether:
 - (i) the incident is considered (in accordance with paragraph 8 of this Policy) to be a Reportable Event to be notified to the OfS or which is required to be reported to another regulator; and

- (ii) further internal action is to be taken (if this is practicable and appropriate, and dependent upon confidentiality). However, where referral to an external authority is required, such as the police, Serious Fraud Office, Information Commissioner's Office or the Health and Safety Executive, it may not be possible to inform the individual who submitted the report of further action which is being taken, until that authority has concluded their investigation or processes;
- (d) a written record will be kept throughout the investigation process;
- (e) confidentiality will be maintained throughout the process consistent with a fair investigation; and
- (f) any reprisals against or victimisation of the person who reported the Reportable Incident will be treated by the University as a serious disciplinary matter which may lead to dismissal.

Wider notification

Upon receipt of the Investigation Manager's findings into the incident or circumstance, the Deputy Vice-Chancellor or University Secretary will liaise with the Vice-Chancellor, as the University's Accountable Officer who will decide if the matter is a Reportable Event which should be notified to the OfS and any other regulator and to establish who else should be notified.

A report of the investigation outcome together with the recommended action shall be made to the Audit Committee of the University or, in the case of matters of utmost sensitivity and confidentiality, with full details being provided to the Chair of the Audit Committee as appropriate.

All reportable incidents or material adverse events will be reported to all of the following as appropriate:

- The Chair of the University's Audit Committee
- The Chair of the University's Governing Body
- The Head of Internal Audit
- The External Audit lead
- The OfS at regulation@officeforstudents.org.uk
- The University's Insurers

Where there is significant doubt as to whether or not a potential incident should be reported the Vice-Chancellor will seek the advice of the OfS.

Monitoring of reportable incidents

A record will be maintained of all incidents qualifying as Reportable Events by the University Secretary. The record will be periodically reviewed to establish if there are patterns of Serious Incidents which should be addressed by the University.

OfS complaints procedure

In the first instance, the University encourages its staff, students and other stakeholders to report Serious Incidents to the University in accordance with the procedure under this Policy. This allows the University to fully investigate and manage the matter and allow it to notify the OfS of a Reportable Event.

The University acknowledges, however, that there may be circumstances in which University staff, students or other stakeholders may wish to report a matter directly to the OfS, without first notifying the University. In these circumstances, a complaint or concern can be submitted to the OfS by following the procedure set out at <https://www.officeforstudents.org.uk/contact/notifications-and-complaints/raising-concerns-and-complaints-with-the-ofs/>

Further information

For general guidance on the details of this Policy, please contact the following:

Steve Igoe	Deputy Vice-Chancellor
Email	Steve.Igoe@edgehill.ac.uk
Lynda Brady	Pro Vice-Chancellor and University Secretary
Email	Lynda.Brady@edgehill.ac.uk
Lisa Randall	RSM (Head of Internal Audit)
Email	Lisa.Randall@rsmuk.com

Other policies which may assist those reporting a Serious Incident include the:

- (g) Whistleblowing Policy for University employees seeking to make a protected disclosure (as set out in paragraph 1 above);
- (h) Fraud and Serious Incident Response Plan which provides guidance to University staff if they suspect fraud taking place in the University; and
- (i) Health, Safety and Environmental Policy which sets out the responsibilities of the University and its senior employees in relation to health and safety.

Review of this policy

This Policy will be reviewed on a regular basis and any amendment must be approved by the University's Audit Committee.

Key to Relevant Documents

This policy refers to the following documents, which you may find useful.

For students:

- [Student Complaints Procedure](#)

For staff:

- [Fraud and Serious Incident Response Plan](#)
- [Staff Grievance Policy](#)

For all users:

- [Health, Safety and Environmental Policy](#)
- [Whistleblowing Policy](#)

Annexes

Appendix 1: OfS Conditions

Extract from Condition F3 – Securing student success: Regulatory framework for higher education in England (February 2018) with which the University must comply

Reportable events

A reportable event is any event or circumstance that, in the judgement of the OfS, materially affects or could materially affect the provider's legal form or business model, and/or its willingness or ability to comply with its conditions of registration.

Reportable events must be reported to the OfS under condition F3(i) and include, but are not limited to:

a. A change in the provider's circumstances, including but not limited to:

- *a sale of either the provider itself, a part of it, or its parent*
- *a merger of the provider with another entity*
- *an acquisition by the provider of another entity*
- *a material change in the provider's business model, such as a move to focus on further instead of higher education*
- *a change in the provider's legal status*
- *other, similar structural changes, such as the establishment of joint ventures, or the separation of the provider into multiple entities*
- *other changes resulting in a change of ownership of the provider.*

d. The provider becoming aware of suspected or actual fraud or financial irregularity.

e. The provider becoming aware of legal or court action.

f. The provider resolving to cease to provide higher education.

g. Regulatory investigation and/or sanction by other regulators, e.g. Charity Commission, Home Office.

h. Loss of accreditation by a Professional, Statutory or Regulatory Body (PSRB).

i. Any new partnerships, including validation or sub-contractual arrangements.

j. Opening a new campus.

k. Intended campus, department, subject or provider closure.

l. Any other material events with possible financial viability or sustainability implications, including but not limited to:

- *a material change in actual or forecast financial performance and/or position*
- *a material change in gearing*
- *a material change in student numbers that was not included in the provider's financial forecasts*
- *for a provider with a legally binding obligation of financial support underpinning its financial sustainability, a withdrawal of the obligation (including as a result of a change of control, even where the new owner will offer a similar obligation) or a material adverse change in the counterparty's financial position or other standing that could affect its suitability as counterparty*
- *the sale of significant assets*
- *significant redundancy programmes*

Endmatter

Title	Serious Incidents Reporting Policy
Policy Owner	Deputy Vice-Chancellor
Approved by	Audit Committee
Date of Approval	September 2018
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