Draft Compliance and Assurance Framework 2020

It is the responsibility of the governing body (Council) to ensure that the University continues to satisfy all of its legal and regulatory accountabilities. This framework aims to set out those primary legal and regulatory accountabilities which create obligations, who is responsible, who responsibility is delegated to and how assurance is given to Council. This includes, but is not limited to, charitable status, equality, health and safety, freedom of information, data protection, bribery, Prevent duty and the OfS Regulatory Framework.

On behalf of the Council, the University Secretary oversees compliance with the various legal and regulatory accountabilities. UEB leads / operational contacts are responsible for ensuring that those accountabilities are discharged and that appropriate assurance is provided through the University's Governance Structure and in accordance with the University's Regulations.

This Assurance Framework will be maintained by the University Secretary's Office, provided to those with named roles within it and sent to committee secretaries to inform agenda planning.

Obli	gation	Accountable to / Legislation	Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	When Due
1.	OfS Conditions of Registration - The OfS monitors providers' compliance with their ongoing conditions of registration. This includes compliance with general ongoing conditions as well as any specific ongoing conditions that the OfS has applied to an individual provider.	OfS Conditions of Registration	It is the responsibility of the governing body (Council) to ensure that the University continues to satisfy all of its ongoing conditions of registration. Various individuals are responsible for ownership of specific elements. The University's OfS Conditions Compliance Register is managed by the University Secretary's Office.	OfS Conditions Compliance Register Report to the UEB Risk Review Group and periodically to Council	See OfS Compliance Register

Obligation	Accountable to / Responsible Person (or how delegated) Legislation	•	Assurance to Council/Senate/UEB or relevant sub-group	When Due
2. 'Prevent duty' annual declaration of compliance - The Counter-Terrorism and Security Act 2015 places a duty (the "Prevent Duty") on HE institutions "to have due regard to the need to prevent people from being drawn into terrorism" when exercising their functions. National guidance has been developed alongside the legislation. The Government has delegated the monitoring role to the OfS which has set out a monitoring framework. The OfS has indicated it will assess the annual report in order to reach a judgement on whether the University is demonstrating due regard to the need to prevent people being drawn into terrorism.	Home Office Guidance for HES OfS Framework for monitoring in HE OfS OfS Guidance - Counter- terrorism - the Prevent duty	Executive Director of Academic Services Susan Bridgeford (Operational Contact) The University's annual report, and compliance with the Prevent duty more generally, is managed operationally by the Prevent working group, chaired by the Director of Student Support Services who is also the University's 'Silver' Prevent lead.	As part of annual accountability returns	See OfS Compliance Register OfS Submission deadline November/December 2020

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4.	The University is required to have charitable purposes and apply them for the public benefit. It must comply with the general law of charity. Members of Council are charitable trustees. Exempt charities benefit from the same tax advantages as all charities, and have the same obligations to comply with tax law. The OfS acts as the principal regulator for universities that are exempt charities. It is illegal for any employee to accept or offer a personal inducement or bribe in any form from or to any supplier or potential supplier of goods and services. All staff shall abide by the Policy on Gifts and Hospitality that supports the main Financial Regulations.	OfS / Charities Commission for England and Wales Charity Commission OfS Guidance Exempt charities Bribery Act 2010 UoS Anti- bribery Statement UoS Financial regulations - Bribery	Chief Financial Officer Assistant Director - Financial Services (Operational Contact)	Annual Report and Financial statement Published on the University website (Home Page > About Us > Charitable Status): Reported to Audit Committee & Finance Committee	See OfS Compliance Register

Obli	gation	Accountable to / Legislation	Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	When Due
5.	The University must comply with the Public Interest Disclosure Act 1988 which protects individuals who make certain disclosures of information in the public interest; to allow such individuals to bring action in respect of victimisation; and for connected purposes. The University policies relating to Public Interest aim to enable and encourage individuals to raise matters of concern that are in the public interest (often referred to as whistleblowing), such as: malpractice, impropriety or wrongdoing, at a high level within the University, without fear of reprisal, so that they may be investigated and where appropriate acted upon.	Public Interest Disclosure Act 1988 UoS Public Interest Disclosure Policy (Whistleblowin g) UoS Public Interest Disclosure HR	University Secretary	Reported to Audit Committee & Finance Committee	

Obli	Accountable to / how delegated) Legislation	•	Assurance to Council/Senate/UEB or relevant sub-group	When Due	
6.	Failure to prevent the facilitation of tax evasion applicable to the evasion of both UK and foreign taxes All requirements under tax legislation – monthly, quarterly; annually across taxes: corporation tax; VAT; employment benefit reporting and payments of tax (e.g. quarterly VAT returns and payments; employment taxes and NICs due for The Deal / benefits not reported by Expenses); quantitative and statistical returns (the latter for VAT)	Criminal Finance Act (FCA) 2017 https://www.s heffield.ac.uk/f inance/staff- information/h owfinancewor ks/fraud_and_ whistle_blowin g Accountable to HMRC / Charities Act / Charities Commission - identifying non charitable activities for disclosure to HMRC Taxation legislation	Chief Financial Officer Delegated authority from CFO to Group Tax Manager / VAT Manager to sign returns for the University Subsidiaries are authorised via the relevant directors / Boards / reflected in the subs accounts that are audited	Tax figures feed into the annual reporting and forecasting Reported as tax notes in the accounts / audited by KPMG as part of this The University has a documented Tax Strategy set out in accordance with HMRC and BUFDG guidance. This includes a Tax Strategy Statement, Tax Management Schedule and supporting Tax Risk Register which covers off the University's tax obligations.	VAT reported and paid quarterly - report by the end of the month following the quarter / pay same time •Corporation Tax(CT) reported annually - report before 31 July following the accounts year end; CT due - if any - is paid before 30 April annually •PSA - income tax and NI funded by UoS on benefits in kind e.g. The Deal - reported annually by 06 July; tax and NI due is paid annually in October after the filing date

Obli	gation	Accountable to / Legislation	Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	When Due
7.	The University has an obligation to adhere to statutory/regulatory requirements, which are contained within the Public Contracts Regulations 2015 and the Social Value Act 2012.	Public Contracts Regulations 2015 and the Social Value Act 2012.	Contracts Regulations 2015 and the Social Value	Reported to Audit Committee & Finance Committee and onward to Council	Every 6 months
Obli	gation	Accountable to / Legislation	Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	When Due
8.	STAFF Sponsorship for Workers	UKVI Government Sponsorship policy Guidance	Deputy Vice-Chancellor Director of HR and Communications (Operational Contact)	UEB People Sub-Group report to UEB VC Report to Council	Licence end date 26 November 2020 Licence Renewal opening date 29 August 2020
9.	STUDENTS Sponsorship for students	UKVI Government Sponsorship policy Guidance	Executive Director of Academic Services	UEB, as required VC Report to Council	Sponsor Licence Renewal: 3 March 2021 (opening date 31 December 2020);

	As part of its commitments in this area, the University has to maintain (i.) a Tier 4 Sponsor Licence, and (ii.) its Tier 4 Sponsor Status, both of which are subject to periodic renewal.		Director of Student Support Services (Operational Contact)		renewal takes place every 4 years. Sponsor Status Renewal: 23 September 2020 (opening date 24 August 2020); renewal takes place on an annual basis and is linked to ongoing Basic Compliance Assessment.
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10.	CLA Licence - HEs must hold the CLA Higher Education Licence in order to, subject to the terms and conditions, copy and re-use extracts of text and still images from printed books, journals and magazines, and from digital publications (including some websites that are free-to-view but not free-to copy).	Copyright Licencing Agency (CLA) Terms & Conditions of Licence CLA Guidance	Executive Director of Academic Services The University Librarian (Operational Contact) UoS Guidance UoS Copyright Infringement Policy	Library Annual Report to Senate	Paid for annually. Licence runs 1 August — 31 July. Licence agreement runs in three year cycle; current cycle is 1 August 2019-31 July 2022.

Obligation		Accountable to / Legislation	Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	When Due
11.	Consumer protection law applies to the relationship between HE providers and prospective and current undergraduate students. It sets out minimum standards that apply to various aspects of an HE provider's dealings with students. In addition, the OfS has since issued its regulatory framework and value for money requirements; both require universities to consider compliance with Consumer Law and ensure transparency to students.	Competition and Markets Authority (CMA) CMA Guidance for HE	Executive Director of Academic Services Director of APSE (Operational Lead)	Report to Audit Committee - CMA Compliance has been the subject of a series of Internal Audit Reviews, most recently in 2019/19. The outcomes of these reviews have been reported to Audit Committee and UEB.	

Obli	ation Accountable to / Legislation Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	When Due		
12.	The University is obliged to ensure that slavery and human trafficking are not taking place in the supply chain. The University operates a range of policies that describe its approach to the identification of modern slavery risks and the steps it is taking prevent slavery and human trafficking in its operations.	Modern Slavery Act 2015 TUoS Modern Slavery Statement	Chief Financial Officer Head of Procurement (Operational Contact) Report to Finan Committee	Report to Finance Committee	TUoS Modern Slavery Statement reviewed annually and published on-line.
13.	The Office for Standards in Education is the Government regulator for education and skills services for learners of all ages. In this capacity, Ofsted have powers of inspection over all apprenticeships up to and including level 5. The Framework and Handbook set out the expectations of processes and management and governance structures.	Ofsted Inspections of Further Education and Skills Providers Further Education and Skills Inspection Handbook	Vice-President for Education Director of AMRC Training Centre (Operational Contact)	Apprenticeship Education Oversight Group reports to Learning and Teaching Committee and on to Senate The following has been recommended to AEOG and agreed in principle. All University of Sheffield apprenticeship provision is subject to an annual programme of reviews undertaken by a qualified team of reviewers, led by	Self-assessment Report by January/February (suggested, bit not mandated) Ofsted usually give two working days' notice of inspection, although no notice inspections are not unknown. Full inspections, usually lasting four days.

Ofsted also set out expectations	the AMRC-TC, reporting
for the safeguarding of learners.	directly to the AEOG.
It is the responsibility of the	
University to ensure that systems,	
structures and processes are in	
place that satisfy the	
requirements set out in the	
Education Inspection Framework.	
Inspections are scheduled on a	
risk basis, taking into account a	
number of factors including	
negative achievement data, rapid	
growth, safeguarding and changes	
in CEO. Ofsted do not inspect	
outstanding providers unless	
significant risk factors become	
apparent.	

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14.	The ESFA is an executive agency accountable for funding education and skills for children, young people and adults and sponsored by the Department for Education.	ESFA Apprenticeship Funding Rules for Main Providers	Vice-President for Education Director of AMRC Training Gentre (Operational Gontact)	Apprenticeship Education Oversight Group reports to learning and teaching Committee and on to Senate.	Student records are returned to the ESFA through a monthly return (ILR)
	New Funding Rules for Non-Levy Employers In 2020 the Education and Skills Funding Agency (ESFA) will be changing the way that non levy paying employers arrange their apprenticeships. In order to ensure that the ESFA can forecast, monitor and manage the availability of funding for non-levy companies through the apprenticeship service, employers will be required to reserve funds. Funding			SAGSN&F also has a role in overseeing the ESFA contract. Oversight of the ESFA contract sits with SAGSN&F and AEOG (reporting to Learning and Teaching Committee) and is aligned their terms of reference.	
	ESFA has its own statutory reporting requirements. The University has to operate an additional student system				

separate from the Student		
Records System.		
Compliance		
The ESFA publish Apprenticeship Funding Rules which set out the rules for main providers delivering apprenticeship training and on-programme assessment for employers under the apprenticeship programme.		
The Apprenticeship Funding Rules also set out the requirement to keep an evidence pack for each apprentice.		
The ILR is also used by auditors to reconcile against the evidence held by providers at learner level to support the funding claimed.		

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	The Public Sector equality duty was developed in order to harmonise the equality duties and to extend it across the nine protected characteristics (and for public authorities, not discriminating on grounds of marriage or civil partnerships status). It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation.	Equality and Human Rights Commission Equality Act 2010	Deputy Vice-Chancellor Director of HR and Communications (Operational Contact)	Council Equality & Diversity Committee (provides an Annual Report to Council) UEB People Sub-Group	

Obligation	Accountable to / Legislation	Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	When Due
16. Export control legislation compliance - The legislation seeks to ensure that UK Scienc & Technology is not exploited by Weapons of Mass Destruction (WMD) proliferators or terrorists. Export controls apply to University staff in the same way as any other organisation. The main areas of concern are military technology, material, equipment or know-how that could be used in nuclear, chemical or biological weapons or other explosive devices or means of delivery and their physical or electronic export.	UK strategic export control list Export control act 2002	Executive Director of Academic Services Director of Research Services (Operational Contact)	Largely managed within Research Services. Specific items are brought to UEB, as and when required. Senate Research and Innovation Committee has a role in overseeing certain aspects of this area. Par	

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17.	Chemical Weapons convention (CWC) declaration - The University is required to make an annual declaration on its use of substances that may be used as chemical weapons or in their production. These chemicals are split into three groups referred to as Schedules. Although these typically list specific chemicals, they also refer to some families of chemicals that share certain properties.	CWC National Authority Government Guidance Chemical Weapons Act 1996 Anti-terrorism, Crime and Security Act 2001	Executive Director of Corporate Services Director of Health & Safety (Operational Contact)	UEB Health & Safety Committee / Annual Health & Safety Report to Council The Biosafety Committee, a sub-group of the H&S Committee	24 January (Annually)

Obli	gation	Accountable to / Legislation	Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	When Due
18.	Environment Agency – Pollution Inventory Reporting The pollution inventory includes reporting on annual emissions of certain substances to air, controlled waters and land, and off-site transfers in wastewater and waste.	Gov - Pollution Inventory Reporting	Executive Director of Corporate Services Director of Health & Safety (Operational Contact)	UEB Health & Safety Committee / Annual Health & Safety Report to Council	Pollution Inventory submission by 28th February each year.
19.	EURATOM Safeguards Return This relates to an EU Regulation (Euratom) and links to the Treaty on the Non-Proliferation of Nuclear Weapons	Office for Nuclear Regulation EU EURATOM Legislation	Executive Director of Corporate Services Director of Health & Safety (Operational Contact)	UEB Health & Safety Committee / Annual Health & Safety Report to Council	Annual submission to ONR and the European Commission by 31st January each year.

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20.	The Additional Protocol is not a stand-alone agreement, but a protocol to a safeguards agreement that provides additional tools for verification. In particular, it significantly increases the IAEA's ability to verify the peaceful use of all nuclear material in States with comprehensive safeguards agreements.	Office for Nuclear Regulation International Atomic Energy Agency	Executive Director of Corporate Services Director of Health & Safety (Operational Contact)	UEB Health & Safety Committee / Annual Health & Safety Report to Council	Annual submission to ONR by 16th March

Obligation		Obligation Accountable to / Legislation Responsible Person (or how delegated)		Assurance to Council/Senate/UEB or relevant sub-group	When Due
21.	DEFRA Licences - DEFRA issues a number of licences that may be required for research or teaching around the University, for example for work involving plant pathogens, plant health licences and Specified Animal Pathogen Order (SAPO) licences.	Plant Health Specified Animal Pathogen Order (SAPO) UoS Biosafety Policy	Vice-President for Research Director of Research Services (Operational Lead) The Head of Health & Safety is responsible for providing assurance on legal compliance to the University Executive Board.	UEB Health & Safety Committee / Annual Health & Safety Report to Council All work involving plant pathogens that require a DEFRA licence is subject to peer review by members of the Biosafety Committee (sub-group of H&S Committee) before the work commences.	License application due at least 1 month before work commences; licenses are inspected prior to renewal. This is annually for new licenses, then every 2- 3 years until work requiring the license is completed

Obl	igation	Accountable to / Legislation	Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	When Due
22.	Animal Research Licences - Work involving regulated procedures is licensed and strictly regulated by the Home Office under the Animals (Scientific Procedures) Act 1986. The University and its researchers are subject to inspection by the Home Office who examine all aspects of animal research, care and welfare. There are three levels of licensing that are required before any regulated work is performed: The place (establishment licence) The project (project licence) The person (personal licence)	Government guidance on licence process UoS Animal Research Policy Animals (Scientific Procedures) Act 1986 Animal Research: reporting of In Vivo Experiments guidelines	Faculty Vice-President for MDH Operational Lead - Director of Biological Services, Veterinary Services Unit (Operational Lead)	Annual Reports to UEB and Council Audit Committee - (Reports to Audit Committee in June)	The University has one Establishment Licence (PEL) which is held by FVP for Medicine, Dentistry and Health and there are currently (@ June 2020) 62 project licences and 300 personal licences. Compliance is reported by licence in the report to Audit Committee

Obli	Accountable to / Legislation Responsible Person (or how delegated)		Assurance to Council/Senate/UEB or relevant sub-group	When Due	
23.	Ionising and Non-Ionising Radiation - Compliance with Ionising Radiations Regulations 2017 (IRR17)	HSE Ionising Radiation Regulations	Executive Director of Corporate Services Radiation Protection Adviser (Operational Lead)	UEB Health & Safety Committee / Annual Health & Safety Report to Council	
24.	Human Tissue Authority	HTA Legislation	Vice-President for MDH Departmental and Facilities Manager, (Neuroscience, Medical School) (Operational Lead)	Reported to the Committee for the use of Tissue in Teaching (CUTIT) Reports to Council Audit Committee (from 2020/2021) The Use of Tissue in Teaching (CUTIT) and the University Committee for the Use of Tissue in Research reports annually to the Vice-President and Head of Faculty for the Faculty of Medicine, Dentistry and Health, who would provide assurance to the President & Vice- Chancellor (P&VC). The	

25.	Controlled Drugs Licences Controlled drugs are substances that may or may not be used for medical treatment, but their possession, use and supply are subject to legal restrictions to prevent them causing harm, being misused, or being obtained illegally. Controlled drugs are subject to control under the Misuse of Drugs legislation, and licences may be required for their production, possession or supply.		Executive Director of Corporate Services Faculty Directors of Operations (Operational Lead) It is understood that each Faculty is responsible for obtaining their own licenses for these areas and not Procurement or H&S. This does not apply to Social Sciences or Arts & Humanities.	P&VC would report annually to Council. UEB Health & Safety Committee	
26.	Explosives and desensitised explosives Those wishing to obtain and use explosives may need to apply for an explosives certificate and a licence. Certificates are issued by the Police, and are used to confirm that a person is fit to acquire or to acquire and keep explosives. Licences grant permission to manufacture or store explosives, and are issued by a number of authorities.	Explosives Regulations 2014 http://www.leg islation.gov.uk/ uksi/2014/1638 /made	Executive Director of Corporate Services Faculty Directors of Operations (Operational Lead) It is understood that each Faculty is responsible for obtaining their own licenses	UEB Health & Safety Committee	

			for these areas and not Procurement or H&S. This does not apply to Social Sciences or Arts & Humanities.		
Obli	gation	Accountable to / Legislation	Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	When Due
27.	Pathogens and toxins Legislation exists to enhance the security of certain pathogens and toxins in particular the most dangerous material (such as anthrax or ricin). Legislation includes: Part 7, Anti-terrorism, Crime and Security Act 2001 Schedule 5 - the full list of these pathogens and toxins of the Anti-terrorism, Crime and Security Act 2001	TBC	Executive Director of Corporate Services Faculty Directors of Operations (Operational Lead) It is understood that each Faculty is responsible for obtaining their own licenses for these areas and not Procurement or H&S. This does not apply to Social Sciences or Arts & Humanities.	UEB Health & Safety Committee	

	Security of Pathogens and Toxins (Exceptions to Dangerous Substances) Regulations 2002.				
28.	Data Protection Act and the Freedom of Information Act. The ICO has legal powers of investigation and enforcement.	Information Commissioner's Office (ICO). ICO Guidance on Investigations for law enforcement	Head of Data Protection and Legal Services (Operational Lead) Note: Individuals can complain to the ICO about their interaction with the University relating to DP and FOI legislation. The ICO will then adjudicate and determine what should happen. The University must self-report certain data breaches to the ICO. There is no set threshold for this, as it depends on the circumstances of the case.	There is one annual report that is compiled on FOI statistics annually. This gets tabled at the Information Management and Security Group, a sub-group of UEB.	

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29.	Business Radios (two way radios) A number of University staff use two way radios Use of a radio system for business purposes requires a licence from Ofcom.	Ofcom Ofcom guidance Ofcom general licence conditions	Executive Director of Corporate Services Head of Property & Business Services, Estates & Facilities Management (Operational Lead)		TBC Go back to Op Lead
30.	Office of the Independent Adjudicator (OIA)		Executive Director of Academic Services Student Conduct & Appeals Manager (Operational Contact)	Annual Report to Senate, and through Learning and Teaching Committee.	TBC Go back to Op Lead

31.	Civil Aviation Authority		Executive Director of Corporate Services Director of Health & Safety (Operational Contact)	TBC	TBC
Obligation		Accountable to / Legislation	Responsible Person (or how delegated)	Assurance to Council/Senate/UEB or relevant sub-group	
32.	External Awarding Organisations (AO) and End Point Assessment Organisations (EPAO) External Awarding Organisations (AO) provide nationally recognised qualifications. A number of apprenticeship standards include mandatory qualifications provided by and assured by AOs, e.g. EAL, Pearson Edexcel, City & Guilds. All University provision consisting of nationally recognised external qualifications is subject to scrutiny by the AO in question.	Ofqual.gov.uk	Vice-President for Education Director of Academic Programmes and Student Engagement/ Managers within relevant departments (Operational Contacts)	Departmental and Faculty Learning and Teaching Committees. In addition, AEOG for apprenticeship provision.	

	Any apprenticeship standard which is not integrated requires an independently assessed End Point Assessment to be conducted by an external EPAO and ratified by a approved professional body, for example Institution of Engineering and Technology (IET), Nursing and Midwifery Council (NMC) and Chartered Management Institute (CMI).				
33.	Quality Assurance Agency for Higher Education (QAA) The QAA is the OfS' (see 1, above) designated quality assurance body for the UK HE sector. Registration with the QAA, and compliance with the Expectations set out in its Quality Code for Higher Education (for English providers) is one of the OfS' ongoing conditions of registration.	https://www.q aa.ac.uk/	Executive Director of Academic Services Director of Academic Programmes and Student Engagement (Operational Contact)	Assurance to Council provided through (i.) Senate Report to Council, and (ii.) Annual Academic Assurance Report from Senate to Council. Senate's assurance will be received through its own Sub-Committees.	