



Access to Higher Education Diploma: Review of Regulation and Licensing

Consultation on changes to the Recognition Scheme

May 2024

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Introduction

1 The Quality Assurance Agency for Higher Education (QAA) is the regulator for the Access to Higher Education ('Access') Diploma and has held this role since its establishment in 1997 when functions of the Higher Education Quality Council passed to it. We consider it to be an important function that we perform for the higher education sector in England, Wales and Northern Ireland. QAA's charitable objects include the provision of advice to governments, as requested, on Access course recognition. In practice, this means that only the courses that fall under our regulatory arrangements will be recognised by the governments for funding (where this is applicable). We also protect the qualification through registering and holding a number of trademarks.

2 The Access to Higher Education Diploma is a Level 3 qualification, currently designed primarily for adult learners who, for whatever reason, may not have achieved Level 3 qualifications that are required to enter higher education under contemporary admissions requirements. It is designed to give learners skills and knowledge in a particular subject area, enabling them to then follow a higher education qualification at Level 4 and above.

3 Our regulatory activity has a number of different functions. We license the awarding bodies, known as Access Validating Agencies ('AVAs'), that can then develop, validate and award the qualifications, working with providers who deliver the qualification. We place regulatory requirements on the AVAs through our Licensing Criteria, and the monitoring arrangements we have in place. Further, we place particular requirements through setting out a Diploma Specification, and an associated Grading Scheme. For some subject areas, we also specify some of the content requirements for the units of the Diploma – through documents we call Subject Descriptors. Collectively, we refer to all of these elements as 'the Recognition Scheme'.

4 Our regulation has a number of purposes. First and foremost, we regulate in the interests of the learners undertaking the qualification to ensure that each instance of delivery of an Access qualification maintains the general standards we specify, that quality is ensured and assured, and the content and delivery of the qualification is fit-for-purpose. In particular, we are interested in ensuring that learners who complete the qualification have a reasonable chance of securing a place on a higher education course. Access has the potential to change the lives of individuals, as well as supporting economic growth and broader societal progress. These purposes align with QAA's strategy, specifically our focus area regarding securing academic standards and the value of qualifications.

5 As with any qualification regulator, we also ensure that the security and robustness of the awarding arrangements for the qualification are maintained. Further, due to the unique nature of the qualification, and QAA's role as an established organisation within the tertiary sector in the UK, we are well positioned to ensure the relevance of the qualification and support its growth.

6 We were pleased that, in 2023, the Department for Education confirmed that QAA-recognised Access to Higher Education Diplomas would continue to be a qualification where learners can benefit from access to funding for the qualification. We consider that this highlights the stature of the qualification, but also adds further imperative to ensure that regulation of the qualification keeps pace with the wider Level 3 qualification environment.

About this consultation

7 This consultation proposes significant changes to the Recognition Scheme, with a particular focus on the Licensing Criteria and monitoring arrangements. While we periodically review elements of the Recognition Scheme (for example, in late 2022 we

consulted on changes to the Diploma Specification), we have not conducted a detailed review of, or proposed significant changes to, the Licensing Criteria for some time. However, we consider that now is an appropriate time to do this. We also see this as an appropriate opportunity to provide further clarity around how we monitor AVAs and make judgements about whether they are meeting the requirements of the Recognition Scheme, as well as the regulatory tools available to us should we have compliance concerns.

8 There are a number of reasons why we believe that now is an appropriate time to implement these changes. These are set out in more detail below.

The Level 3 qualifications landscape

9 The qualifications landscape at Level 3 in England will be changing significantly over the next few years. For Access to maintain its position in this landscape, we consider that the regulatory structures that underpin it need to be agile, adaptable and fit-for-purpose for the future.

10 In recent years, we have also observed other changes in relation to qualifications. For example, we have seen the growth of apprenticeship provision at all levels of qualification, and the introduction of T-levels at Level 3. Learners now have more opportunities and routes that take them towards higher education. This means that Access needs to ensure that its particular role is clear so that potential learners, providers of the qualification, higher education providers, and other stakeholders (such as providers not offering the qualification, or employers), understand the specific benefits that studying for an Access Diploma could bring.

Regulatory burden

11 A core aim of our regulation is giving advice (and ultimately assurance) to governments that will then offer funding for Access. This is underpinned by the regulatory activities we carry out to maintain the integrity and quality of the qualification, and ensure that learners are supported to progress to and succeed in higher education. To achieve this, we must ensure that our regulatory arrangements are proportionate while also being suitably robust.

12 We have received feedback from AVAs highlighting the impact that our regulation has on them (and, in turn, the impact this has on providers of the qualification) and, in particular, observations on whether all of our regulatory activity is proportionate. As a result, there is a genuine concern about regulatory burden being passed on to providers of the qualification and the impact this might have. Overall, there is a risk that regulatory requirements that are disproportionate to regulatory risk could inhibit growth of the qualification, a matter which is undesirable for all parties.

13 During the COVID-19 pandemic, we needed to act quickly and introduced an Extraordinary Regulatory Framework (ERF) to specifically address the unique, and unprecedented, challenges that the pandemic brought about. We learned from the experience of implementing the ERF that there were a number of changes we could bring about in our normal regulation that would have benefits to the way that we oversee Access.

Supporting the growth of Access

14 The way in which our regulatory activity is funded changed significantly when changes were introduced to the regulation of higher education in England from 2018. As a result, the funding for our activity now comes predominantly (but not exclusively) from the AVAs that we regulate. Over the past few years, we have introduced minor changes to the way we regulate and license AVAs, in order to keep pace with emergent risk and to ensure we were

focusing on the things that matter. In doing so, we have always sought to avoid passing additional costs onto AVAs (and, ultimately, providers of the qualification and learners). However, it is increasingly apparent to us that, without reform the current regulatory arrangements are unlikely to remain affordable and sustainable. This is because a significant amount of our expenditure is on staff resource to operate the regulatory arrangements, and resource utilisation is heavily influenced by the underpinning requirements, structures and processes of these arrangements.

15 Resource utilisation can be further impacted by a requirement for us to take on unexpected additional activity. For example, in 2022, QAA was required to take on additional activities to manage the impact on providers and students when an AVA ceased trading unexpectedly. This has highlighted to us the importance of ensuring that our regulatory protections are secure for the future, with regulatory arrangements that are not only suitably robust but also represent a proportionate level of burden, both for AVAs who must comply with the requirements and QAA who is responsible for their implementation and monitoring.

16 This will further our ability to carry out work to support the growth of Access in a timely manner. For example, we have been working to explore and develop new avenues for growth of the qualification, in particular undertaking a project in partnership with the current AVAs to develop an option for Access to be offered internationally.

17 Taken together, all of the reasons above have led us to conclude that reform of the Recognition Scheme will be genuinely valuable and, in a number of places, is particularly necessary.

Next steps

18 We directly regulate AVAs, therefore all aspects of this consultation are relevant to them. However, we are aware that the requirements we place on AVAs can flow through to become requirements AVAs place on providers of the qualification; hence, we are also keen to hear from providers regarding the changes we are proposing. We consider the requirements we have around the monitoring arrangements are likely to be particularly relevant in this regard.

19 The views of higher education providers are also important to us. This includes both those providers who currently accept learners that have completed the Access qualification and those who may consider this in the future, and any providers of higher education who may also wish to consider delivering the Access qualification themselves. We consider that Access, as an existing credit-bearing recognised Level 3 qualification, represents a viable alternative to providers needing to develop, for example, foundation year programmes. Further, we recognise that, as the higher education landscape has changed, Access may be used by learners for entry into a broader range of higher education programmes, including apprenticeships, and this may further be the case depending on changes to provision that may come about following the implementation of the Lifelong Learning Entitlement in higher education student finance.

20 This consultation has a number of sections. It is broadly structured around the different elements of the infrastructure of the Recognition Scheme, as set out in section 1 below. We intend that, once complete, we will be able to publish a comprehensive suite of documents setting out the Recognition Scheme, and that, over time, we will also supplement this with further guidance regarding how our requirements can be interpreted.

21 This consultation is open for 12 weeks. Please submit your responses via our [online survey](#).

22 Following the conclusion of the consultation, we will consider all responses. We will then make changes to our proposals where we consider there is a clear reason to do so. We intend to make a recommendation to the QAA Board to adopt an updated Recognition Scheme based on the final version of our proposals sometime in early 2025 with a view to implementing the updated Recognition Scheme in time for the start of the 2025-26 academic year.

23 We have set out proposals for how we might transition to these new arrangements in section 7 of this consultation. We will therefore confirm the transition arrangements in our response to the consultation.

1 The constituent elements of the Recognition Scheme

24 This section sets out the constituent elements of the Recognition Scheme and identifies areas of our work in Access that fall outside of the Recognition Scheme. As we have set out in the introduction, we are not proposing a significant change to the architecture of the Recognition Scheme – we are, however, proposing to make changes to the current constituent parts.

The Recognition Scheme

25 Our proposed Recognition Scheme can broadly be defined as operating in five areas:

The Licence arrangements

25.1 These are the arrangements that we have in place to manage the licensing process for AVAs. They set out the requirements for becoming an AVA ('the Licensing Agreement') and maintaining an AVA licence.

The Access to Higher Education Conditions

25.2 Under the current arrangements, these are commonly referred to as the Licensing Criteria. We are proposing that these are renamed 'the Access to Higher Education Conditions' ('the Conditions'), because we consider that, under current naming conventions, there is a risk of confusion over the purpose of these conditions, versus the requirements to become an AVA and maintain a licence (the Licence arrangements). In summary, the Access to Higher Education Conditions are the conditions an AVA must continue to meet once it has successfully been awarded an AVA licence. An organisation that wishes to become an AVA must demonstrate how it meets, or may meet, some of these conditions.

The Monitoring arrangements

25.3 Presently, information about how we monitor compliance with the Licensing Criteria are set out in a range of documents, including guidance and operational descriptors. While we intend that we shall, from time to time, continue to issue guidance to AVAs, we consider that it would be helpful for all parties to set out the broad monitoring arrangements that we intend to operate. This element of the Scheme also sets out how we manage compliance matters, including the powers we have where we have concerns about compliance.

The Qualification requirements

25.4 These requirements are set out in the Diploma Specification, Grading Scheme and Subject Descriptors. They set out our requirements for the design, delivery, assessment and award of the Diploma, and, in some cases, the requirements for the content of particular subject areas.¹ This is to ensure consistency across the qualification, and across AVAs. We are not proposing significant changes to these requirements in this consultation, although we set out how changes we have previously indicated and consulted upon will be affected by the implementation of the wider changes proposed by this consultation. This includes aspects of simplification

¹ At the time of writing, this is the Subject Descriptor for Medicine. QAA has introduced a Subject Descriptor for Nursing and Health Professions for pilot from 2024, leading to full implementation for the 2025-26 academic year.

and restructuring of requirements - for example, setting out the requirement for AVAs to require providers to register students within 42 days of commencing their course in the Conditions, rather than in the Diploma Specification, as is currently the case.

Guidance documents

25.5 From time to time, QAA will, as it does currently, produce guidance documents that explain in further detail how specific elements of the Recognition Scheme (for example, monitoring of compliance with certain conditions) will operate. These guidance documents do not introduce new or additional requirements to those already set out in the Licence arrangements, the Conditions, the Monitoring arrangements, or the Qualification requirements. They provide useful information on how QAA intends to implement those things and how they should be interpreted by AVAs and others – for example, by setting out what we might consider compliant or non-compliant behaviour. They may also contain operational detail that we consider will be of use – for example, technical instructions on how to interact with QAA's systems.

26 In summary, the Licence arrangements govern who can award Access to Higher Education qualifications and, in applying for that licence, AVAs must meet the ongoing Access to Higher Education Conditions, and the Qualification requirements. All of these aspects are underpinned by the Monitoring arrangements.

Work that falls outside of the Recognition Scheme

27 QAA is an organisation committed to supporting students access higher education, and there are some activities that we consider it prudent we undertake as an organisation that sit alongside the core regulatory functions set out above, as part of our arrangements in relation to the Recognition Scheme and in pursuit of QAA's charitable objects. These activities may include examples such as: the promotion of the Access to Higher Education Diploma as a qualification; research into the achievement and success of students who have followed an Access course.

28 Occasionally, there may be activities to support new developments for Access, such as the development of licences to allow AVAs to operate the qualification internationally that sit outside of the current operation of the Recognition Scheme. From time to time, we will agree to undertake these activities with AVAs. In these cases, we refer to the activities as partnership activities. As these can fall outside of our normal activity, we may enter into separate funding arrangements, such as asking AVAs to pay additional fees to support our development work in such areas. AVAs will be under no obligation to pay these fees, although this may also mean that some work will be unlikely to be prioritised, or in some cases, undertaken at all.

Engagement with AVAs and providers and governance of the Recognition Scheme

29 Operation of the Recognition Scheme is supported by the approach to engagement that we intend to implement. We consider it important to set out how we will work with AVAs.

30 QAA has in place, an Access to Higher Education team who is responsible for the day-to-day operation of the Recognition Scheme. This team will be the first port of call for AVAs that have queries or issues. The team manages the monitoring arrangements and engages with AVAs appropriately - both on an individual and collective basis. We may also set up and operate groups for AVAs to meet with us that have a specific topic or focus, and these may be ongoing or time-limited. These will normally be focused at staff within an AVA who have responsibility for the operational delivery of Access.

31 At a strategic level, we meet regularly with the Chief Executives of AVAs, as a group, normally twice a year. We have found this an effective mechanism to share information about the strategic direction of Access, and to seek high-level feedback regarding the implementation of the Recognition Scheme, and would like to continue with this approach. This will also normally be the forum where partnership activities can be proposed and agreed to between AVAs and QAA.

32 We will also offer AVAs an opportunity individually, at least on an annual basis, to meet with us to discuss the strategic direction of Access, and share information with us about their organisation's priorities for the future.

33 From time to time, QAA may also communicate directly with providers we have been informed are offering Access. This may be on an individual basis - for example, if we need to investigate a matter related to an AVA; or could be on a more general basis - for example, where we want to share information about the qualification, our regulatory activities, or other important matters. However, our primary role, on a day-to-day basis, will be focused on the regulation of AVAs.

34 The QAA Board has set up a sub-committee with specific responsibility for overseeing the Recognition Scheme. This is the Access Regulation and Licensing Committee ('ARLC'). The ARLC has responsibility to make recommendations to the QAA Board on matters related to the development of the Recognition Scheme, and, in particular, in relation to the award or withdrawal of AVA licences. For other matters related to the operation of the Recognition Scheme, the Access to HE Diploma Manager, relevant member of the QAA Senior Leadership Team, or other members of the QAA Executive team, have decision-making authority. We consider these matters further in section 4 of this consultation.

The purpose of the Access to HE Diploma

35 Currently, the purpose and focus of the Access Diploma is expressed differently in different places. We are of the view that this consultation offers us an opportunity to ensure that the purpose and benefits of the Diploma are clearly defined.

36 We are proposing that the purpose of the Diploma is defined as follows:

36.1 The Access to HE Diploma is a Level 3 qualification (equivalent to A-levels and T-levels) and is primarily focused on adult learners who wish to enter higher education but do not have the necessary qualifications in the subject area they wish to follow. When taken as a full-time course, it can be completed in one year. On completion of an Access to HE Diploma, students may go on to study at a higher level with a higher education provider - which could be a degree or other higher-level qualification at Level 4 or above.

Question 1: Do you have any comments regarding the constituent elements of the Recognition Scheme and other aspects covered in this section regarding QAA's approach?

2 Arrangements for entering into and retaining a Licensing Agreement

37 In this section, we set out proposals for a reform of the Licence arrangements we have with AVAs. This includes proposals setting out how organisations can apply for a Licence from QAA, how we will operate a periodic relicensing process, and the details regarding the fees applicable to licensed AVAs.

38 Currently, the standard conditions for the licensing of AVAs are set out in the Licensing Agreement and influenced by the Licensing Conditions. Further detail is included in a document called *AVA Licensing - Operational description* which contains a summary of the process we will undertake to consider an application. It is our view that the current suite of documents could be significantly refined in order to clarify the process for becoming an AVA. QAA is therefore planning to produce a guidance document on becoming an AVA, that will set out how bodies can apply to be an AVA, and the elements of the Licensing Agreement and Conditions that will be assessed by QAA in determining such an initial application. On production of such a document, we will withdraw the existing *AVA Licensing - Operational description*. We believe producing updated regulatory guidance will simplify understanding of our regulatory arrangements.

39 As a result of the changes being proposed in this document, and the need for QAA to undertake a relicensing exercise for all existing AVAs, as set out further below, QAA has decided it will not accept any new applications for bodies wishing to become an AVA until sometime in the 2024-25 academic year. In making this decision, we have noted that enquiries regarding becoming an AVA are infrequent and rare, and, at the time of the production of this document, we are not aware of any body that is considering becoming an AVA. Notwithstanding, we consider it important to publicise this policy position in order to avoid any confusion should any body come forward wishing to make an application. When QAA publishes the new guidance document on becoming an AVA, we will reopen applications. Should interested parties wish to notify QAA before applications reopen that they have an interest in making an application, they may contact AHE@qaa.ac.uk to register their interest.

Time limit on licences

40 In 2021, we proposed to AVAs that we would move to operating on the basis of a time-limited licence, after which an AVA must reapply to retain its licence. AVA Chief Executives informally highlighted their support for this approach, and in October 2022 we confirmed that we would adopt this as our general policy position. We consider this to be an appropriate point to set out proposals regarding how we intend to implement this approach in the future.

41 In shaping these proposals, we have considered the previous feedback we have received from AVAs. We have also given weight to the need to ensure stability among AVAs (which would support an argument for a licence being awarded for a longer period of time), but have also considered the need to ensure adequate protection for learners through ensuring that QAA has, on a regular basis, assessed that AVAs are able to continue to meet the requirements of the Licensing Agreement (which supports an argument for a licence being awarded for a shorter period of time). For QAA, we put weight on the interests of learners, and the need to ensure appropriate protections are in place.

42 Our rationale for introducing time limits to an AVA licence is that this allows all parties to clearly understand when certain aspects of the Licensing Agreement and the Access to HE Conditions are going to be considered. At present, it can be the case that QAA may need

to seek to review compliance at any point, which can create jeopardy for AVAs who are unsure when they may be asked to participate in compliance activity. This is also undesirable for learners, as it means there is not a holistic review of the AVA on a regular basis to ensure that it remains suitable to be an AVA. Moving to a time-limited licence can give certainty to all parties and will ensure that QAA is able to reconsider whether a body remains suitable to be an AVA at appropriate points in time.

43 We propose that the length of an AVA licence will be determined on an individual basis, but subject to the following general policy position as a guide:

Licence type	Time period
New licence - for new AVAs	No longer than three years
Renewal license - AVAs seeking relicensing with no ongoing compliance concerns (for example, not currently subject to an ongoing investigation) and not subject to any regulatory activity	Five years
Renewal license - AVAs seeking relicensing with ongoing compliance concerns or where the AVA is subject to any current action from QAA as a result of any monitoring activity	Three years

44 We propose that AVAs should have a right to appeal the length of the licence awarded. As a result, QAA will update its *Access Validating Agency Appeals Procedure* guidance to cover such a situation, bringing procedures in line with QAA's 'Consolidated Appeals Procedure'.

45 Section 7 of this document covers transition arrangements and sets out our proposals for how we intend to apply time-limited licences to existing AVAs. QAA is planning to produce a guidance document on relicensing, that will set out how AVAs can apply for a relicence, and the elements of the Licensing Agreement and Conditions that will be assessed by QAA in determining such an application.

Question 2: Do you have any comments regarding QAA's proposal to move to operating on the basis of a time-limited licence, after which an AVA must reapply to retain its licence?

Fees payable to QAA by AVAs

46 In April 2024, we launched a consultation on fee arrangements for AVAs, proposing a change to the way in which QAA calculates the specified Annual Fees charged to AVAs. This consultation also clarified our approach to charging Monitoring/Investigation fees and Partnership costs.

47 Our consultation on fee arrangements for AVAs did not include the fee for an organisation applying for an AVA licence. At present, the fee for an organisation applying for an AVA licence is £32,500. When we produce new arrangements for making an application to become an AVA, we will revisit this cost. We would anticipate that this cost would then be subject to further annual changes, normally in line with an inflationary increase, as the majority of QAA's costs are based on staff costs. We do not anticipate introducing a fee for an AVA applying for a relicence.

3 The Access to Higher Education Conditions

48 In our current Recognition Scheme, we have 118 Licensing Criteria with which AVAs must comply, in addition to the requirements within the Licensing Agreement and the arrangements within the Diploma Specification, Grading Scheme and, where applicable, the Subject Descriptors. These 118 criteria cover a wide range of topics - as a result, they have a varying degree of specificity and detail. We have considered whether to propose amendments to these criteria in order to update them but are of the view that, to ensure the arrangements are fit-for-purpose for the future, and address any current challenges or issues we can observe in the operation of the Recognition Scheme, a more fundamental change is both required, and is desirable. Our reasoning for this is that making changes to the arrangements is likely to be equally as complicated, if not more so, than implementing a whole new set of conditions. We consider that by opening up all arrangements for consultation in this way, stakeholders will have a greater opportunity to consider the fundamental aspects of our regulatory requirements, rather than only considering those areas that are changing. We are hopeful that this makes considering these proposed changes and responding to the consultation, simpler.

49 The new proposed conditions can be found at Annex A. Following consultation, we would expect to confirm the adoption of these, or amended, conditions. In addition, it is our intent to publish new regulatory guidance for AVAs to aid in the interpretation of the requirements of each condition (and the content of this guidance will be influenced by feedback we receive in this consultation). For certain conditions, we anticipate including non-exhaustive examples of behaviours that may indicate both compliance and non-compliance with the condition.

50 There is, naturally, some transfer of the current criteria into the new conditions. However, in doing so, we have been mindful of the need to ensure that we can take action when needed if, in our opinion, matters related to the Diploma are not working as they should. Therefore, in some cases there is a change of focus to ensure that arrangements and activities that AVAs are required to undertake are effective, in addition to simply ensuring that arrangements are in place.

51 In the case of Licensing Criteria 1 to 3, it is our view that these set out requirements for the identity, constitution and governance of an organisation that are fundamental to it becoming an AVA. As such, we have moved these requirements to the Licensing Agreement. An amended version of the Licensing Agreement can be found at Annex B.

52 It is our view that the current Licensing Criteria represent a rules-based approach to regulation. In general, we have looked to move away from this regulatory approach in drafting the new conditions. On the whole, the new conditions are designed to be predominantly principles and outcomes-based. In practice, this means that while there are still some conditions which set out rules that must be met, others set out broader standards by which an AVA must operate. QAA's assessment of an AVA's compliance with these principles-based conditions will focus on the outcomes an AVA achieves in relation to each condition.

53 This regulatory approach looks to ensure effective regulation of the Access to HE Diploma while recognising the differing organisational structures and forms of each AVA, and the circumstances of varied providers that may wish to deliver the Diploma to students. This allows AVAs to meet the requirements of the conditions in diverse and innovative ways that best suit their organisation and circumstances. As part of the implementation of these new arrangements, QAA is committed to its approach to engaging with AVAs in a manner that will support AVAs in being confident that any innovative activity they wish to undertake will be regulatorily compliant.

54 The regulatory framework that underpins the Conditions is governed by the principles of our regulation. These principles are as follows:

54.1 To maintain the integrity of the Access Diploma

We regulate in the interests of the learners undertaking the qualification to ensure that each instance of delivery of an Access qualification maintains the general standards we specify, that quality is ensured and assured, and the content and delivery of the qualification is fit-for-purpose.

54.2 To support students to progress to and succeed in higher education

Our regulation aims to ensure that learners who complete the qualification have the opportunity to secure a place on a higher education course and succeed in their undertaking of the course.

54.3 To ensure the relevance of the qualification and support its growth

This principle aligns with QAA's wider strategy, specifically our focus area regarding securing academic standards and the value of qualifications.

55 We consider that the conditions as presented² should be able to be understood by stakeholders that have experience of operating regulated qualifications. We are keen to understand whether this is the case, and therefore would particularly welcome comments from respondents regarding where they consider they could benefit from further clarification, in addition to any other views they may have.

56 When responding to the consultation, it would be helpful if respondents could refer to whether they are providing comments on a particular condition (for example, A1) or the group of conditions as a whole (for example, A).

Question 3: Do you have any comments regarding the Access to Higher Education Conditions we are proposing to implement as part of the revised Recognition Scheme?

² A potential exception to this statement is the inclusion of a condition requiring an AVA to produce a 'strategic statement'. This is covered further below in the section on monitoring.

4 The monitoring arrangements

Current monitoring arrangements

57 Under the current Recognition Scheme, QAA operates four types of monitoring activity, as set out below:

- 57.1 **Cyclical review** - scheduled monitoring activity undertaken at a pre-determined time and applied to all AVAs at the same time.
- 57.2 **Risk-based review** - monitoring activity undertaken at any time in response to an identified risk, applied to one or more AVA.
- 57.3 **Information gathering** - monitoring activity undertaken to gather information to inform QAA's regulation of the Access to HE Diploma, carried out at any time and applied to one or more AVA.
- 57.4 **Investigation** - monitoring activity undertaken where actual or potential non-compliance with the Licensing Criteria or Licensing Agreement is identified at an AVA. Normally based on the outcomes of other monitoring activities. Carried out at any time and applied to one or more AVA.

58 These monitoring activities are designed to offer an opportunity for AVAs to provide evidence to QAA that they continue to operate in accordance with the terms of their AVA licence and the requirements of the Licensing Criteria. Based on the evidence provided by AVAs, QAA assesses each AVA to determine its state of compliance and its associated level of risk.

59 QAA maintains a risk register of all AVAs that, until recently, was made available via AVA profiles on the QAA website. Our approach to determining a risk rating is set out in various QAA guidance documentation, some of which are not easily accessible in the public domain. It is our view that a stakeholder having information about how a risk rating is determined is critical to understanding the meaning and implication of that rating. Therefore, we have removed the risk rating applied to any AVA from the QAA website while we consider, as part of this consultation, ways to increase transparency in relation to the process of determining the associated level of risk of an AVA.

Proposed monitoring arrangements

60 We are proposing to reform our monitoring activity into two specific levels – general monitoring and enhanced monitoring and engagement. This will ensure that we are able to effectively monitor AVAs and respond proportionately where we identify instances of potential or actual non-compliance with the terms of the Licensing Agreement and/or the Conditions.

General monitoring

61 General monitoring will be applied to all AVAs and will include cyclical review, notifiable events and other intelligence or information. Further detail on each of these areas is set out below.

Cyclical review

62 As per the current monitoring arrangements, cyclical review will comprise of scheduled monitoring activity undertaken at a pre-determined time and applied to all AVAs at the same time. Further information on the requirements of the cyclical review will be set out in guidance that QAA will update from time to time, but will include the provision of data related

to students, that will allow QAA to determine various measures of AVA performance, financial viability statements, an annual statement of compliance and a strategic statement.

63 The provision of a strategic statement is a new requirement that falls under wider accountability requirements as set out in Condition A2 of the Access to HE Conditions. An AVA will be required to have a strategic statement regarding its role as an AVA approved by QAA. Under the Licensing Criteria, LC11 places a requirement for an AVA to secure active involvement from certain stakeholders on certain governance bodies. We consider that this approach adds the potential for significant additional burden (including, for example, through the requirement to have a specific designated body with responsibility for Access to HE in the governance structure). As a result, our proposal to require a strategic statement, overseen by the organisation's most senior body in its governance structure, attempts to address this.

64 We consider the specific purpose of the Access to HE Diploma (as set out earlier in this document) is important; as a result, it requires both protecting - to ensure that it is achieved in practice; and promoting - to ensure that it is understood and the unique focus of the Access to HE Diploma is understood by stakeholders.

65 AVAs have significant influence over how the Access to HE Diploma is understood and perceived. As such, we consider it appropriate to continue to have some form of requirement that requires the AVA to reflect on its operation and purpose in relation to how it is supporting access to higher education. We consider a periodic strategic statement, that can be published, that sets out how an AVA will contribute to the overall Access to HE landscape, is essential to continue to differentiate the Access to HE Diploma from other qualifications.

66 We are proposing that an AVA must prepare and submit a strategic statement for approval to QAA:

- 66.1 whenever the AVA applies or is required to apply for a renewal of its AVA licence
- 66.2 at any other time where the AVA makes a decision that would affect the contents or accuracy of an existing approved strategic statement, or
- 66.3 at any point as determined and requested by QAA and communicated to the AVA as a written request.

67 The strategic statement should include an explanation of the AVA's purpose, goals and resources in relation to the Diploma and should align with the wider purpose of the Diploma as set out in section 1 of this consultation document. The strategic statement should cover the term of an AVA's licensing period. We intend to produce separate guidance on the strategic statement once this consultation has concluded.

Notifiable events

68 As set out in Condition B1 of the Conditions, an AVA is required to notify QAA when it has a reason to believe that any notifiable event has occurred or is likely to occur. A notifiable event is any actual or potential incident that, in the reasonable judgement of QAA, negatively affects or could negatively affect an AVA's ability to meet the terms of its Licensing Agreement or comply with the Conditions.

69 We will set out in separate guidance, further information about the types of incident that could be a notifiable event, the types of incident that will always be a notifiable event and requirements for the timing of reporting and the information to be provided by an AVA.

Other intelligence and information

70 This covers any intelligence or information obtained by QAA via the operation of its Access to HE Concerns Scheme, or any other information that QAA becomes aware of that leads it to form a view that an AVA may not be compliant with the Conditions.

Enhanced monitoring and engagement

71 Enhanced monitoring and engagement will be utilised where an increased risk of potential non-compliance or actual non-compliance with the terms of the Licensing Agreement and/or the Conditions has been identified through general monitoring. This will involve QAA undertaking an investigation into the AVA(s) in question. Further detail is set out below.

Investigation

72 QAA may choose to open an investigation where:

72.1 it identifies an increased risk of potential non-compliance with the Licensing Agreement or one or more of the Conditions, or

72.2 where actual non-compliance with the Conditions or licensing agreement is identified.

73 Where QAA chooses to open an investigation into the matter, it is likely that this decision will be based on the outcomes of other monitoring activities. Investigations can be carried out at any time and may be applied to one or more AVA.

74 We intend to produce further guidance on the proposed monitoring arrangements once this consultation has concluded.

AVA risk ratings

75 We are proposing that, as we transition to the new regulatory requirements, as set out in the Conditions and the terms of the Licensing Agreement, we will return to making a risk rating for each AVA publicly available. As set out in section 2 of this consultation, as a result of the changes being proposed in this document, there is a need for QAA to undertake a relicensing exercise for all existing AVAs. It is our proposal that, on conclusion of this relicensing exercise, we will publish AVA risk ratings on AVA profiles on the QAA website.

76 To accompany this, we will publish clear guidance on our approach to determining a risk rating and any implications for the rating itself. Where QAA deems it appropriate, we will include an explanation of the reasons for the rating and, where we have requested the AVA take action to mitigate risk, we will include details of this. We consider that our general approach will be to identify risk only where:

(a) An AVA is under investigation in relation to specific Conditions

(b) QAA has applied enhanced monitoring and engagement to an AVA.

77 We further propose that we will move away from the definitions of high, medium and low risk in general terms, but rather ensure that it is clear the specific areas of operation (as they relate to the Conditions) to which the risk rating applies.

78 Where we impose any of the regulatory interventions set out below, we will include details of this on the AVA's profile on the QAA website, unless we consider that this to be inappropriate. This will include an explanation of the reasons that the intervention has been applied and action the AVA is required to take.

79 Overall, we consider this approach to risk ratings will increase transparency for stakeholders and should avoid some of the potential current risk that our risk ratings could be misunderstood.

Regulatory interventions

80 We recognise that, from time to time, there may be circumstances that arise that cannot adequately be covered by a standard set of regulatory conditions. At present, this can be challenging for us to address, noting that if an AVA is non-compliant with the Licensing Criteria or Licensing Agreement, even when the non-compliance can be remedied, the default regulatory action according to the published framework is to consider removal of a Licence. We consider that this is likely to be a disproportionate response in a significant number of circumstances, and instead a more nuanced set of interventions that allow us to require activity from AVAs to address matters without the immediate threat of a loss of licence may be more appropriate.

81 We are proposing that we implement the following regulatory interventions as part of the Recognition Scheme: formal notice, imposition of a specific condition or imposition of a formal sanction. Each of these interventions are set out in more detail below.

Formal notice

82 QAA may issue an AVA with a formal notice where it considers that an AVA needs to mitigate an increased risk of non-compliance with the terms of the Licensing Agreement and/or the Conditions, or where a breach of the Conditions will, in QAA's opinion, be resolved by an AVA following receipt of such a notice, but further intervention or sanction is unnecessary. This notice will require the AVA to take action targeted at reducing the risk of non-compliance and may require for this action to be approved by QAA ahead of its implementation. If an AVA fails to comply with a formal notice, this is likely to lead to further intervention.

Imposition of specific condition

83 QAA may decide to impose a specific condition on an AVA where it is of the view that the AVA presents a specific risk that is not addressed by the Conditions; to mitigate an increased risk of non-compliance with the terms of the Licensing Agreement and/or the Conditions; or to mitigate actual non-compliance with the terms of the Licensing Agreement and/or the Conditions. The specific condition will be targeted to mitigate the specific risk posed and may include activities by the AVA that QAA requires it to undertake or prohibits it from taking, to ensure that the terms of the Licensing Agreement and/or the Conditions are met.

Imposition of formal sanction

84 QAA may decide to restrict or suspend parts of an AVA's licence, or where the risks to students, stakeholders or the qualification are so significant, QAA may decide to withdraw an AVA's licence. Further details on each of these sanctions are set out below:

- 84.1 Restrictions on an AVA licence – QAA may decide to place temporary restrictions on an AVA's licence in the event of non-compliance with the terms of the Licensing Agreement and/or the Conditions, to mitigate risk to students, stakeholders or the qualification.
- 84.2 Temporary suspension of an AVA licence - QAA may decide to temporarily suspend an AVA's licence (or suspend some elements of its licence), in the event of non-compliance with the terms of the Licensing Agreement and/or the Conditions, to

immediately reduce the impact on students, stakeholders or the qualification. It will be expected that the AVA will take remedial action during the suspension, which will be imposed via a specific condition, with the suspension being lifted once the non-compliance has been suitably mitigated and remedied.

84.3 Withdrawal of an AVA licence - QAA may decide to withdraw an AVA licence where the risk to students or other stakeholders is so significant that the use of another sanction would not be sufficient. QAA would normally only look to pursue the withdrawal of an AVA licence where:

- QAA has previously temporarily suspended an AVA licence in relation to non-compliance with the terms of the Licensing Agreement and/or the Conditions and there is again further non-compliance with the same or different terms of the Licensing Agreement and/or the Conditions.
- QAA judges that there has been non-compliance with the terms of the Licensing Agreement and/or the Conditions and that restrictions on or suspension of an AVA licence would be insufficient to deal with the non-compliance.

85 We intend to produce further guidance on the proposed regulatory interventions once this consultation has concluded.

The implementation of monitoring and regulatory action

86 QAA's approach to the use of general monitoring will be to identify areas where there is a risk of non-compliance with the terms of the Licensing Agreement and/or the Conditions and therefore enhanced monitoring may be required. Where general monitoring suggests that further review is necessary, QAA may look to utilise the enhanced monitoring arrangements available to it. QAA will prioritise engaging with the AVA to seek further information, using this to make a judgement about whether non-compliance has occurred or is at risk of occurring.

87 Where QAA decides that regulatory intervention is required, it will use intelligence gathered from its monitoring activity to support it in deciding what form the intervention should take. QAA will ensure that its response is both proportionate and relevant to the risk it is seeking to mitigate. QAA will follow best regulatory practice by ensuring that its actions are:

87.1 Prioritised - focusing on matters that pose a risk to students, stakeholders or the qualification.

87.2 Proportionate - taking action that is proportionate to the level of risk or severity of the non-compliance and takes into account the behaviour of the AVA to mitigate risks and the impact on students.

87.3 Targeted - focused on addressing the particular risks that are posed.

87.4 Transparent - QAA will clearly set out to the AVA the intervention process including the action it is looking to take and the reasons for this. Where appropriate, QAA will include details of the regulatory intervention on the AVA's profile on the QAA website. This will include an explanation of the reasons that the intervention has been applied and action the AVA is required to take.

87.5 Accountable - QAA will be accountable for the decisions that it takes and for explaining these to relevant AVAs and other stakeholders as required.

Regulatory context and accountable decision-making

88 As set out in the introduction to this consultation, QAA has been responsible for regulating the Access to HE Diploma since 1997 when functions of the Higher Education Quality Council passed to it. QAA's charitable objects include the provision of advice to governments, as requested, on Access course recognition. In practice, this means that only the courses that fall under our regulatory arrangements will be recognised by government for funding (where this is applicable). We also protect the qualification through registering and holding a number of trademarks. These functions and objects form the basis for QAA's scope of authority in regulating the Access to HE Diploma.

89 The use of enhanced monitoring and engagement and regulatory interventions will be subject to the requirements of QAA's own internal governance arrangements.

90 Where QAA looks to impose the formal sanction of withdrawing an AVA's licence, ARLC will be responsible for making a recommendation to the QAA Board.

91 Where QAA requires an AVA to be subjected to enhanced monitoring and engagement or wishes to impose a formal notice, specific condition or formal sanction that does not include the withdrawal of an AVA's licence, the Access to HE Diploma Manager, relevant member of the QAA Senior Leadership Team, or other members of the QAA Executive team, have the relevant decision-making authority as per the QAA Scheme of Delegation.

Question 4: Do you have any comments regarding the monitoring arrangements we are proposing to implement as part of the revised Recognition Scheme?

5 The Diploma Specification and Grading Scheme

92 As set out in section 1 of this consultation, we are not proposing significant changes to the requirements set out in the Diploma Specification and Grading Scheme. Instead, we have looked to restructure and simplify the way that we set out the regulatory requirements of the Recognition Scheme across the relevant Regulatory Documents.

93 For example, the student registration requirements that are currently set out in the Diploma Specification, have been moved to the Conditions. We have also sought to more clearly define the underpinning requirements of the Diploma Specification and Grading Scheme within the Conditions. For example, within 'Section D: Development of Access to HE Diplomas', 'Section E: Setting, delivering and moderating assessments' and 'Section F: Awarding the qualification', we have more clearly defined the requirements for AVAs to ensure they are operating in line with the Diploma Specification and Grading Scheme.

94 Once the consultation is concluded and the Conditions have been finalised, we intend to carry out minor updates to the Diploma Specification and Grading Scheme to ensure that the suite of documents align with the new Conditions and the underpinning requirements of the Recognition Scheme.

Question 5: Do you have any comments or concerns regarding the impact of the proposed changes to the Recognition Scheme on the requirements of the Diploma Specification or Grading Scheme in practice?

6 International Access Diploma

95 QAA is committed to exploring how best to launch the International Access to HE Diploma ('IAHED') and considers this activity to align with a key focus area of our published strategy - *Expanding our international activity, capitalising on the excellent global reputation of QAA and UK HE, into new areas for the benefit of UK tertiary education*. In late 2021 and early 2022, QAA undertook development work focused on the feasibility of launching and developing the IAHED. In autumn 2022, we shared an approach with AVAs that was based on the same regulatory infrastructure as the domestic arrangements. However, it became apparent to us that, for the reasons set out elsewhere in this consultation, we were likely to need to prioritise making changes to these arrangements, and so paused work on the development of the IAHED. After a six-month pause in activity, QAA re-engaged with AVAs in the summer of 2023 to better understand their reasons for wanting to launch the IAHED, including properly identifying the markets they intended to target, and the student demographics they anticipated the Diploma would serve.

96 From this work we have developed the following initial proposals for the IAHED.

Definition of the IAHED

97 We are proposing that the IAHED is:

- 97.1 a UK Level 3, 60-credit award
- 97.2 subject area specific
- 97.3 taught and assessed in English
- 97.4 a QAA qualification regulated by QAA.

Purpose of the IAHED

98 The purpose of the IAHED is primarily to provide international students with the opportunity to enter higher education – by higher education, we mean education that is delivered at a level equivalent to Level 4 of *The Framework for Higher Education Qualifications in England, Wales and Northern Ireland* (FHEQ) or Level 7 of the *Scottish Credit and Qualifications Framework* (SCQF), irrespective of whether the student aims to enter UK higher education, or higher education in another country.³ We are proposing that the purpose of the IAHED would be defined to align with the updated purpose of the domestic Diploma as set out in section 1 of this consultation:

98.1 The International Access to HE Diploma is a Level 3 qualification (equivalent to A-levels and T-levels in England) and is primarily focused on international adult learners who wish to enter higher education but do not have the necessary qualifications in the subject area they wish to follow. When taken as a full-time course, it can be completed in one year. On completion of an International Access to HE Diploma, students may go on to study at a higher level at a higher education provider, which could be a degree, or other higher-level qualification, at Level 4 of the FHEQ (or equivalent) or above.

99 In practice, it is our view that the demographic of students that the IAHED would be

³ As part of these proposals, QAA is not intending to involve itself in the admissions arrangements of higher education providers worldwide. It will therefore be necessary for AVAs, and the providers with which they wish to work, to seek to ensure that appropriate progression routes are available to students from providers that will accept the IAHED as part of having a credible plan for operating in that country.

suitable for includes:

- 99.1 students aged 17+ who have found A Level-equivalent study incompatible but who are identified as having potential for university
- 99.2 those aged 24+ who are seeking to retrain and follow a different career path
- 99.3 those aged 24+ who are seeking to develop their career further and require a higher education qualification to do this.

Licensing and regulation

Licensing proposals

100 We have developed two proposals for the awarding of an IAHERD licence to AVAs:

Option 1

100.1 A licence for an individual AVA is awarded on a country-by-country basis after the AVA has demonstrated a credible plan for operating in that country.

Option 2

100.2 A licence for an individual AVA is awarded permitting wider international operations in more than one country after the AVA has demonstrated a credible plan for operating in the proposed countries.

The proposal presented in option 1 is our preferred approach.

Question 6: With respect to the licensing proposals, do you agree we should implement option 1 above? If you do not agree, what alternative approach would you suggest?

Regulatory proposals

101 We are proposing that for AVAs wishing to apply for an IAHERD licence, the constituent parts of the Recognition Scheme - as set out in section 1 of this consultation - will apply with the exception of the following:

- 101.1 The Licence arrangements - these will be replaced with the 'International Licence arrangements' as proposed above (paragraph 100)
- 101.2 The Access to HE Conditions - these will be replaced with 'The International Access to HE Conditions' ('the International Conditions'). It is anticipated that the International Conditions will include most of the requirements set out in the Access to HE Conditions along with some additional requirements that are set out below.

English language requirements

102 We are proposing the following English language requirements for the IAHERD:

102.1 When a student is registered on an IAHERD, the AVA must ensure that an assessment has been made of both the students' overall ability and suitability to enter onto the course. Specifically, the AVA must ensure that the student's English language ability is such that they will be able to complete the course. Additional English language tuition may be offered alongside the Diploma as a separate course but should not form part of the validated units.

102.2 Upon completion of the course, the student should be able to demonstrate English ability equivalent to level B2 on the Common European Framework of Reference for Languages. This is equivalent to the Home Office requirement for student sponsors wishing to enter English higher education for degree-level study. (We have discounted setting this at the lower B1 level which is the Home Office requirement for students entering courses below degree level, as we consider from our research, students are most likely to utilise the qualification in order to pursue degree-level study, and therefore should be prepared to level B2 in order to be adequately prepared.)

Diploma

103 We are proposing including a Condition that requires AVAs to operate one Diploma per subject per country. This is to ensure we avoid any inconsistency within a country and are able to provide assurance to agencies and governments in the relevant international markets. We accept that this will constrain an AVA's ability to develop different Diplomas for different providers; however, we think that the benefit that all students in a country will encounter a consistent curriculum outweighs any disadvantage.

104 We are proposing including a Condition that requires AVAs to have in place and implement procedures to ensure that the qualification remains equivalent to an English Level 3 qualification wherever it is delivered.

Teaching and learning

105 We are proposing that the IAHE should be delivered through a blended learning approach that uses 'multiple methods to deliver learning by combining face-to-face⁴ interaction with online activities',⁵ delivered through local providers. It will not be permissible to deliver the IAHE fully online.

Trademarks

106 We intend to register an International trademark for the Access to HE logo, recognition mark and wordmarks. This will enable the logo, recognition mark and wordmarks to act as an international visual marker to identify Access to HE qualifications approved within the terms of the Recognition Scheme. AVAs will be required to use the trademarks as per the requirements set out in the International Conditions and, have procedures in place to ensure that providers also use the International trademarks as per the regulatory requirements.

⁴ Face-to-face includes the physical presence of students and teacher together in a learning space (such as offered through a provider) as well as the use of web conferencing tools to include remotely located students in online face-to-face learning environments or students working together online for problem-solving/group activities. Methods may vary according to the IAHE subject (for example, the need for practical work); student.

⁵ www.advance-he.ac.uk/knowledge-hub/blended-learning-0

Pilot

107 We propose using a pilot phase to launch the IAHEd. This phase will be exclusively for those organisations who already hold an AVA licence for the domestic Access Diploma. We anticipate that an AVA will be required to apply for a time-limited licence to cover this pilot phase. On successful completion of the pilot phase, an AVA may then be eligible to apply for an extension to their International Licence.

Question 7: Do you have any comments regarding the proposals we have set out for the International Access to HE Diploma?

7 Transition and implementation

108 As set out in the introduction, this consultation is open for 12 weeks and will close on 22 August 2024. Once closed, we will consider all responses. We will then make changes to our proposals where we consider there is a clear reason to do so.

109 We intend to make a recommendation to the QAA Board to adopt an updated Recognition Scheme based on the final version of our proposals in March 2025, with a view to implementing the updated Recognition Scheme in time for the start of the 2025-26 academic year.

110 Part of the implementation of the updated Recognition Scheme will involve us undertaking a relicensing exercise for all existing AVAs; this will allow us to effectively transition to time-limited licences for the start of the 2025-26 academic year.

111 Once we have received approval from the QAA Board to adopt the updated Recognition Scheme, we will publish the revised Regulatory Documents that form part of the updated Recognition Scheme, alongside guidance for AVAs on the relicensing process. Ahead of the publication of this guidance (approximately February 2025), we will host a pre-consultation publication briefing event with all AVA Chief Executives to outline the relicensing process.

112 We anticipate inviting AVAs to submit information relevant for the relicensing process in May 2025; we will then undertake relicensing assessments in June and July with confirmation of the award of time-limited licences occurring in August 2025.

113 We anticipate the earliest opportunity to conduct a pilot phase for the International Access to HE Diploma will be during the 2025-26 academic year.

Question 8: Do you have any comments regarding the proposed implementation of the updated Recognition Scheme?

Question 9: Do you have any comments regarding the proposed pilot phase for the International Access to HE Diploma?

Annex A: The Access to Higher Education Conditions

Introduction

1 The Quality Assurance Agency for Higher Education (QAA) is responsible for regulating the Access to Higher Education (HE) Diploma. The QAA Recognition Scheme for Access to HE ('the Recognition Scheme') provides the regulatory framework through which QAA exercises this responsibility. Within this framework, QAA licenses organisations to develop, validate, approve and award Access to HE Diplomas. An organisation that has been licensed by QAA for these purposes is known as an Access Validating Agency (AVA).

2 The Recognition Scheme can be split down into the following five areas:

2.1 **The Licence arrangements:** These are the arrangements QAA has in place to manage the licensing process for AVAs. They set out the requirements for becoming an AVA ('the Licensing Agreement') and maintaining an AVA licence.

2.2 **The Access to HE Conditions:** These are the conditions an AVA must continue to meet once it has been successfully awarded an AVA licence. An organisation that wishes to become an AVA must demonstrate how it meets, or may meet, some of these conditions.

2.3 **The Monitoring arrangements:** These are the monitoring arrangements QAA operates to make judgements about whether an AVA is meeting the requirements of the Recognition Scheme. This also includes information on the approaches QAA may take where it has concerns about an AVA's compliance with the requirements of the Recognition Scheme.

2.4 **The Qualification requirements:** These requirements are set out in the Diploma Specification, Grading Scheme and Subject Descriptors. The Diploma Specification and Grading Scheme set out QAA requirements for the design, delivery, assessment and award of the Diploma. The Subject Descriptors set out requirements for the content of particular subject areas. Together, these qualification requirements ensure consistency across the qualification, and across AVAs.

2.5 **Guidance documents:** QAA will, from time to time, produce guidance documents that provide further explanation and detail as to how specific elements of the Recognition Scheme will operate or be implemented by QAA.

3 This document sets out the Access to HE Conditions ('the Conditions') - the regulatory conditions that an AVA must continue to meet once it has successfully been awarded an AVA licence. These conditions are designed to be predominantly principles and outcomes-based. In practice, this means that while there are some conditions which set out rules that must be met, others set out broader standards by which an AVA must operate. QAA's assessment of an AVA's compliance with these principles and conditions will focus on the outcomes an AVA achieves in relation to each condition.

4 This regulatory approach looks to ensure effective regulation of the Access to HE Diploma while recognising the differing organisational structures and forms of each AVA, and the circumstances of varied providers that may wish to deliver the Diploma to students. This allows AVAs to meet the requirements of the conditions in diverse and innovative ways that best suit their organisation and circumstances.

5 The regulatory framework that underpins the Conditions is governed by the principles of our regulation. These principles are as follows:

To maintain the integrity of the Access Diploma

5.1 We regulate in the interests of the learners undertaking the qualification to ensure that each instance of delivery of an Access qualification maintains the general standards we specify, that quality is ensured and assured, and that the content and delivery of the qualification is fit-for-purpose.

To support students to progress to and succeed in higher education

5.2 Our regulation aims to ensure that learners who complete the qualification have the opportunity to both secure a place on a higher education course and succeed in their undertaking of the course.

To ensure the relevance of the qualification and support its growth

5.3 This principle aligns with QAA's wider strategy - specifically, our focus area regarding securing academic standards and the value of qualifications.

Key terms

Access to HE Diploma

An Access to HE Diploma is a full Level 3 qualification, designed to provide preparation for study in higher education. Individual Diplomas are separately defined: they are titled according to their subject focus, and the required learning for each Diploma is indicated through the units of assessment specified in its rules of combination. The term is used both to refer to the qualification itself and to the learning requirements that lead to its award. (Further details are provided in '*The Access to Higher Education Diploma Specification*'.) A Diploma may be delivered by one, or more than one, provider.

Access to HE course

An Access to HE course is a named Access to HE Diploma that has been approved for delivery by a particular provider and is listed on QAA's Access Course Database. A course is therefore unique to a particular provider, even where the Diploma requirements are the same as those on one or more other courses.

Part 1: The AVA

Section A: Management, governance and strategy

Condition A1: Governance arrangements

6 An AVA must have in place and maintain governance structures that are responsible for ensuring the effective discharge of its responsibilities in respect of:

- 6.1 the AVA Licensing Agreement
- 6.2 the Access to Higher Education Conditions
- 6.3 the Diploma Specification
- 6.4 the Grading Scheme
- 6.5 the Subject Descriptors (where relevant), and
- 6.6 any other requirements that may be placed on the AVA from time to time by QAA in accordance with the Recognition Scheme.

Condition A2: Accountability

7 The AVA's most senior body within its governance structure has overall responsibility for adherence with all requirements of the Recognition Scheme and ensuring that the organisation meets its responsibilities as an AVA. This body has direct responsibility, which **may not** be delegated, for the formal approval of:

- 7.1 the annual AVA statement of compliance to QAA.

The following responsibilities for formal approval also sit with the AVA's most senior body, but **may** be delegated to another body or person:

- 7.2 the formal approval of any written submission required by QAA for the process of AVA monitoring
- 7.3 the formal approval of formal statements to QAA about how the AVA has addressed requirements for the renewal of the AVA licence, or any other queries formally raised by QAA about the AVA's compliance with the Access to Higher Education Conditions, and
- 7.4 the formal approval of the AVA's Strategic Statement for Access to HE.

8 The senior body must also ensure the following responsibilities are undertaken within the AVA:

- 8.1 the granting or withdrawal of approval of Access to HE providers, Access to HE Diplomas and courses
- 8.2 the assurance of quality and standards on Access to HE Diplomas
- 8.3 investigation of Access to HE providers where there are matters of potential or actual non-compliance with the requirements of the Recognition Scheme (including when directed to do so by QAA)

- 8.4 the operation of a complaints and appeals scheme to address both student and provider complaints
- 8.5 procedures for the award and certification of Access to HE Diplomas, and
- 8.6 dissemination of the outcomes of both QAA and AVA-led monitoring processes, and their use to enhance the AVA's Access to HE provision.

A2.1 - Responsible Officer

Appointing a Responsible Officer

9 An AVA's most senior body within its governance structure must nominate to QAA a senior officer to act as its Responsible Officer.

Responsible Officer means a senior officer at the AVA, who should normally be the chief executive or equivalent. A responsible officer who is not the most senior officer of the AVA would only be accepted by QAA where there is sufficient reason for this - for example, if the AVA has a number of activities not all of which are related to Access to HE, and there is a senior officer who is not the chief executive but is responsible for Access to HE activities.

10 An AVA must notify QAA within two working days when it nominates a new responsible officer.

The role of the Responsible Officer

11 The Responsible Officer will act as the primary regulatory contact between the AVA and QAA in relation to all activities undertaken by the AVA in accordance with the Recognition Scheme.

12 In particular, the Responsible Officer shall be responsible for:

- 12.1 making statements to QAA (other than any which is required by QAA to be made by the AVA's most senior body) that QAA will be entitled to rely on as being accurate and made on behalf of the AVA
- 12.2 ensuring that where QAA issues the Responsible Officer a statement, request or notice addressed to the AVA, QAA will be entitled to treat that statement, request or notice, as having been given to the AVA.

A2.2 - Strategic Statement

13 The AVA must have a Strategic Statement approved by QAA regarding its role as an AVA. In preparing its Strategic Statement, the AVA must secure, and through the content of its Statement demonstrate, the input of:

- 13.1 providers of the Access to HE Diploma, and
- 13.2 higher education providers in the UK.

14 The Strategic Statement must be prepared in a format and following any guidance specified by QAA (which may be updated from time to time) and must be submitted for approval by QAA:

- 14.1 whenever the AVA applies or is required to apply for a renewal of its AVA licence
- 14.2 at any other time where the AVA makes a decision that would affect the contents or accuracy of an existing approved Strategic Statement, or
- 14.3 at any point as determined and requested by QAA and communicated to the AVA as a written request.

A2.3 - Annual Statement of Compliance

15 An AVA must make an Annual Statement of Compliance to QAA. The Annual Statement of Compliance must be:

- 15.1 made in the format specified and on any date, as may be notified to the AVA by QAA
- 15.2 accurate and contain all relevant information as requested by QAA
- 15.3 considered and approved by the AVA's most senior body within its governance structure
- 15.4 signed by the Chair of the AVA's most senior body within its governance structure and the Responsible Officer.

Condition A3: Finance and resources

A3.1 - Ensuring the ability to develop and award qualifications

16 An AVA must ensure that it has, in QAA's reasonable opinion, sufficient resources in place to develop, validate, approve and award Access to HE Diplomas.

A3.2 - Ensuring financial viability

17 An AVA must ensure that it has, in QAA's reasonable opinion, sufficient financial resources and facilities to develop and award Access to HE Diplomas, and undertake all other relevant and associated activities, until at least the time at which every learner enrolled with any provider on an Access to HE Diploma validated by the AVA has had an opportunity to complete their course in accordance with the normal practice of the AVA (which shall include any resubmission or referral opportunities, as set out in '*The Access to HE Grading Scheme*').

18 The AVA's financial statements are externally scrutinised through a full annual audit by an auditor who is listed on the Register of Statutory Auditors and who is independent of the preparation of the AVA's accounts and financial statements.

19 Audited financial statements for each year must be prepared on the basis of the Financial Reporting Standards 102 (FRS 102), or the International Financial Reporting Standards (IFRS), if applicable.

Condition A4: Identification and management of risk

20 An AVA is required to have in place, risk management tools and processes that facilitate risk assessment activities and the development and, where necessary, implementation of contingency plans that, in QAA's reasonable opinion, protect the interests

of students in the context of business failure of the AVA, business failure of an approved provider, and the withdrawal of provider or course approval.

21 An AVA must provide within five working days such information about its risk assessment activities as QAA may request.

Condition A5: Complaints and appeals

22 An AVA is responsible for ensuring that its complaints and appeals scheme is followed in practice. The process for dealing with complaints and appeals should be set out in documentation that is published and made available to both students and providers. These documents should ensure that:

- 22.1 the information provided to complainants or appellants clearly sets out the process that the AVA will follow when dealing with a complaint or appeal, including expected timeframes for consideration and resolution
- 22.2 the individuals charged with deciding the outcome of the appeal or complaint have appropriate authority, were not involved in the incident that is the subject of the complaint or appeal, were not involved in deciding the outcome of the complaint where an appeal has subsequently been made and have no vested interest in the outcome
- 22.3 the process(es) that an AVA will follow when dealing with a complaint or appeal are compliant with the requirements of all relevant organisations and legislative provisions should they apply.

Condition A6: Compliance with regulatory requirements

Condition A6.1 - The Regulatory Documents

23 Where a Regulatory Document requires an AVA to take, or avoid taking, any action, the AVA must comply with that requirement. Where a Regulatory Document sets out guidance or principles of good practice, an AVA must have regard to the guidance or principles in undertaking its responsibilities as an AVA.

24 **Regulatory Document** means any one of the following documents that form part of the Recognition Scheme:

- 24.1 the AVA Licensing Agreement
- 24.2 the Access to HE Conditions
- 24.3 the Access to HE Grading Scheme
- 24.4 the Access to HE Diploma Specification
- 24.5 the Access to HE Subject Descriptors
- 24.6 any guidance document relating to the Recognition Scheme as produced and issued by QAA and indicated as being a Regulatory Document.

25 From time to time, QAA may issue a document to an individual AVA as a form of notice, requiring compliance with any or all of the requirements of the Recognition Scheme, a specific condition, and/or a suspension or restriction of an AVA's licence (or any element of a licence). Any such document is to be treated as a Regulatory Document that must be complied with.

Condition A6.2 - Access to HE trademarks

26 An AVA must ensure that it uses the Access to HE trademarks (Access to HE logo, recognition mark and wordmarks) in line with the requirements specified in Conditions for the use of the Access to HE trademarks.

Condition A7: Student registration

27 An AVA is responsible for ensuring that students undertaking any Access to HE Diploma, whatever their mode of study, are:

- 27.1 registered with an AVA to a QAA-recognised Access to HE Diploma no later than six weeks (42 days) from the student start date on the course
- 27.2 registered for units to the value of 60 credits no later than 12 weeks (84 days) from the start date of the Access to HE course, or before the student makes a formal application to a higher education course - whichever date occurs first
- 27.3 registered and certificated for units to a maximum value of 60 credits
- 27.4 registered for at least one 6 or one 9-credit unit as part of their Diploma; this may be a graded or ungraded unit
- 27.5 registered for no more than the maximum of 30 credits that can be made up of 6 or 9-credit units; graded and ungraded 6 and 9-credit units count towards the maximum.

Section B: Monitoring and information provision

Condition B1: Notification to QAA of certain events

28 An AVA must notify QAA when it has reason to believe that any notifiable event has occurred or is likely to occur. A notifiable event is any actual or potential incident that, in the reasonable judgement of QAA, negatively affects or could negatively affect:

- 28.1 an AVA's ability to meet the terms of its Licensing Agreement
- 28.2 an AVA's ability to comply with the Access to HE Conditions, or
- 28.3 an AVA's ability to comply with any or all of the requirements set out in the Regulatory Documents as defined in Condition A6.

29 QAA will set out in separate guidance from time to time, further information about the types of incidents that could be a notifiable event, the types of incidents that will always be a notifiable event and requirements for the timing of reporting and the information to be provided by an AVA.

Condition B2: Notice to provide information to QAA

30 Where QAA issues a written notice to an AVA requiring the AVA to provide QAA with any information that it seeks for the purpose of performing any function in relation to the operation of the Recognition Scheme, the AVA must:

- 30.1 comply with the terms of the notice, and
- 30.2 ensure that all information provided to QAA in response to the notice is accurate and complete.

- 31 Any such notice may include terms which:
- 31.1 specify the time within which the information is to be provided
 - 31.2 specify a form in which the information is to be provided
 - 31.3 specify the manner in which the information is to be provided
 - 31.4 require that the information required is accompanied by supporting documents or data as may be described, and
 - 31.5 require an AVA to provide information which is already in its possession, or which has to be created or obtained by it for the purposes of compliance with the notice.

Condition B3: QAA monitoring of AVAs

32 An AVA will be subject to and expected to comply with the requirements of monitoring activities as directed by QAA. In reviewing information submitted by an AVA as part of any such monitoring activities, QAA will form a judgement on whether the AVA is meeting the requirements of the Recognition Scheme.

- 33 In undertaking any such monitoring activities an AVA must:
- 33.1 provide QAA with such information as QAA specifies at the time and in the manner and form specified
 - 33.2 comply with reasonable requests made by QAA to cooperate with any monitoring activity, in particular, but not limited to, providing explanations or making documents available to QAA or making members of staff available to meet with QAA.

34 QAA will set out in separate guidance from time to time, further information about the reporting points and requirements of all QAA monitoring activity.

Condition B4: Information and data submission requirements

35 An AVA must provide QAA, when requested, with individual student data and course data for the purpose of assisting QAA in performing any function in relation to the operation of the Recognition Scheme which shall include, but are not limited to:

- 35.1 assessing the performance of AVAs in approving and validating Access to HE Diplomas
- 35.2 ensuring provision that is, in QAA's reasonable opinion (and as may be specified from time to time in guidance), of high-quality for all Access to HE students and that supports them to access higher education
- 35.3 understanding patterns of student enrolment, achievement and progression.

36 Where an AVA is required to submit any information or data to QAA, it is responsible for ensuring that the information or data supplied is:

- 36.1 accurate and complete
- 36.2 provided by the time specified
- 36.3 provided in the manner specified, and

36.4 provided in the form specified.

Condition B5: AVA monitoring of records

37 An AVA is responsible for:

37.1 maintaining a complete and up-to-date record of Access to HE Diplomas offered by its providers

37.2 ensuring that QAA's Access to HE course database is kept up-to-date in line with QAA's requirements, with any necessary amendments made within five working days of the change taking place or immediately if the change relates to the withdrawal of provider approval

37.3 recording and retaining accurate records of its award of grades, credits and Diplomas.

38 An AVA will be expected to make its records available for inspection by QAA on request.

Part 2: Providers approved to deliver the Diploma

Section C: Provider and course recognition

Condition C1: Provider approval

C1.1 - Process for approval

39 An AVA must have in place and implement a documented procedure for the approval of providers to deliver Access to HE Diplomas. This procedure must include a requirement for a provider approved to deliver Access to HE Diplomas to have:

- 39.1 a main base, which is in the UK, Channel Islands or Isle of Man
- 39.2 systems to ensure that only students with a UK (including British Forces Post Office), Channel Islands or Isle of Man address are registered for an Access to HE Diploma
- 39.3 governance structures that are responsible for ensuring the effective discharge of its responsibilities as an approved provider and in line with the requirements of the Recognition Scheme, and
- 39.4 arrangements for internal moderation, standardisation, monitoring and quality assurance procedures for the delivery of provision.

C1.2 - Requirement for an agreement between the AVA and provider

40 An AVA should ensure that the arrangements between it and the provider include a written enforceable agreement. The agreement should include provisions which:

- 40.1 require the provider to deliver recognised Access to HE Diplomas and courses in accordance with the Recognition Scheme and the AVA's moderation, standardisation, monitoring and quality assurance procedures
- 40.2 require the provider to market recognised Access to HE Diplomas and courses in a clear and transparent way - including, but not limited to, providing information on entry requirements and funding status
- 40.3 set out the requirements with which the provider must comply in order to continue to deliver Access to HE provision
- 40.4 establish a sanctions policy to be applied in the event that the provider fails to comply with these requirements
- 40.5 require the provider to operate an appeals and complaints handling procedure for the benefit of learners
- 40.6 set out any arrangements in relation to scrutiny of provider assessment standards that the AVA will undertake or that will be undertaken on its behalf, and require the provider to retain any data that the AVA considers necessary to allow it to undertake that scrutiny effectively
- 40.7 specify a process to be followed in any withdrawal of the provider (whether voluntary or not) from its role in the delivery of Access to HE Diplomas
- 40.8 require the provider to take all reasonable steps to protect the interests of learners in the case of such a withdrawal

40.9 set out that a condition of provider approval is that the provider acknowledges and agrees that any Access to HE Diploma or course that it develops cannot be transferred from one AVA to another (see Condition D4).

C1.3 - Confirmation of provider approval

41 Before a provider is permitted to deliver all or any part of any Access to HE Diploma for which it is approved, the AVA must ensure that the course(s) are listed on the QAA's Access Course Database.

42 QAA will treat any such update to QAA's Access Course Database as a notification that the AVA has confirmed provider approval for the delivery of named Access to HE Diplomas (or Access to HE provision).

Condition C2: Ongoing monitoring of providers

43 An AVA is responsible for having in place and implementing documented procedures for monitoring both provider performance and its compliance with QAA's requirements in relation to:

43.1 the Diploma specification

43.2 the Grading Scheme

43.3 the use of the Access to HE trademarks as set out in 'Conditions for the use of Access to HE trademarks', and

43.4 any Subject Descriptor that may apply.

44 Through these provider monitoring procedures, an AVA must be able to effectively demonstrate to QAA how the AVA is ensuring it complies with the Access to Higher Education conditions through its operation and implementation of a provider approval process.

45 The provider monitoring procedures should include details of:

45.1 how an AVA will risk assess each provider

45.2 the actions an AVA will take to remedy any incidence of non-compliance with the requirements it places on a provider, and

45.3 the student protection measures an AVA will implement to ensure students' continuation of study in the event of provider failure, withdrawal of provider approval, and withdrawal of course approval.

46 An AVA should also set out the sanctions it may impose to mitigate potential risk to students in cases of non-compliance by a provider. These sanctions will include amending, suspending or withdrawing approval from a provider, or for a specific Access to HE Diploma. Sanctions may also include enhancements or additions to the terms of provider approval.

Part 3: Validation, approval, delivery and awarding of the Access to HE Diploma

Section D: Development of Access to HE Diplomas

Condition D1: Content and structure of Access to HE Diplomas

D1.1 - Compliance with the Recognition Scheme

The Access to Higher Education Diploma Specification

47 An AVA must ensure that the content and structure of Access to HE Diplomas meet the requirements as set out in each section of *The Access to Higher Education Diploma Specification*:

47.1 the qualification characteristics

47.2 the specification for the achievement of the Access to HE Diploma

47.3 the additional requirements for the achievement of a named Access to HE Diploma

47.4 diplomas and units

47.5 rules of combination

47.6 other successful completion criteria

47.7 credit accumulation

47.8 recognition of student achievement, and

47.9 development of Access to HE Diplomas.

The Access to Higher Education Grading Scheme

48 An AVA must ensure that the content, structure and delivery of Access to HE Diplomas meet the requirements as set out in each section of *The Access to Higher Education Grading Scheme*:

48.1 core principles

48.2 the grades

48.3 the grading standards

48.4 using the grading standards in assessment

48.5 moderation and standardisation, and

48.6 awarding the Access to HE Diploma.

Access to Higher Education Subject Descriptors

49 Where applicable, an AVA must ensure that the content and structure of Access to HE Diplomas meet the requirements as set out in the relevant *Access to Higher Education Diploma Subject Descriptor*.

D1.2 - Accessibility of Access to HE Diplomas

50 As an awarding body, an AVA must ensure that the content, structure and delivery of an Access to HE Diploma complies with relevant provisions of the *Equality Act 2010*.⁶

51 An AVA must monitor the Access to HE Diplomas it makes available for any feature which could disadvantage students with one or more protected characteristic.

52 Where an AVA identifies such a feature it must consider its duty under the *Equality Act 2010* to make reasonable adjustments.

D1.3 - Modifications to units and Diplomas

53 An AVA should have a documented procedure in place for managing modifications to units and Diplomas. The procedure must:

53.1 comply with the relevant provisions of the *Consumer Rights Act 2015*⁷ where changes will affect students currently studying on a Diploma

53.2 include communication with students, where changes will affect students currently studying on a Diploma

53.3 include a mechanism for relevant parties (such as providers and moderators) to suggest modifications

53.4 differentiate between major and minor modifications

53.5 include consultation with relevant parties (such as providers, moderators and receiving higher education institutions).

54 Once modifications are approved, the AVA should ensure that all providers delivering the relevant Diploma(s) are notified of the amendments immediately.

Condition D2: Approval and ongoing validation of Access to HE Diplomas and courses

D2.1 - Initial approval and validation of Access to HE Diplomas and courses

Definitions

When an Access to HE Diploma or Access to HE course is **approved**, this means that following a rigorous validation review process, it has been approved for delivery by provider(s).

When an Access to HE Diploma or Access to HE course is **validated**, this means that it has been subject to a rigorous review process by the AVA to ensure that the content, structure and planned delivery meet the regulatory requirements of the Recognition Scheme.

⁶ www.legislation.gov.uk/ukpga/2010/15/contents

⁷ www.legislation.gov.uk/ukpga/2015/15/contents

A **validation panel** means a panel of members who jointly provide current, relevant experience and expertise in:

- the delivery and assessment of Access to HE Diplomas
- curriculum knowledge relevant to the Diploma(s) and all the units being considered
- the delivery of higher education programmes in subject areas indicated as intended progression routes for the Diploma(s) being considered, and
- the admissions requirements for the intended higher education progression routes.

Access to HE Diploma

55 An AVA must have in place and implement a clearly documented procedure for the validation of an Access to HE Diploma. The procedure should include:

55.1 specifications for the form and content of documentation to be submitted for Diploma validation

55.2 details on the processes and requirements for each stage of the validation process leading to Diploma recognition.

56 The AVA should have validation criteria which ensure, for a Diploma to be validated:

56.1 it complies with the requirements set out in The Access to Higher Education Conditions, The Access to Higher Education Diploma Specification and The Access to Higher Education Grading Scheme and, where relevant, Access to Higher Education Subject Descriptors

56.2 its intended potential progression route(s) in higher education are clearly stated, and the subject coverage, level and structure of the content, and choice of options where they are available, are appropriate as a preparation for that/those route(s).

57 The validation process should include the use of a validation panel to scrutinise the proposals and should be applied to:

57.1 Diplomas developed by an AVA for subsequent delivery by approved providers, and

57.2 Diplomas developed by approved providers.

Access to HE course

58 Where an approved provider is seeking approval to run Access to HE courses based on an AVA-developed Diploma, the validation procedures and criteria that apply to Diploma approval are applied to course approval.

Granting approval

59 Where an AVA grants approval of a Diploma with conditions, the AVA should confirm:

59.1 that the conditions ensure that the Diploma meets the AVA's validation criteria in full

59.2 the date by which any conditions must be met (which will be before the start date for the first planned delivery of the Diploma by any provider) and the process for confirming that they have been met.

Validation period

60 The validation period should be for a period of no more than five years from the date of initial approval, and the initial approval should include a forward schedule of revalidation for Diplomas. Where exceptional circumstances require an extension to the standard period, the validation period should be considered by the AVA and will not normally be extended by more than one year.

61 Once approval has been granted and formally recorded, an AVA should:

61.1 inform providers that a new Diploma is available (for Diplomas developed by an AVA)

61.2 update the QAA Access Course Database.

D2.2 - Revalidation of an Access to HE Diploma

62 An AVA should have a revalidation process and criteria which are in line with the requirements for initial Diploma validation.

63 The revalidation process should include the use of a validation panel to scrutinise the Diploma against a set of standard criteria and should be applied to:

63.1 Diplomas developed by an AVA for subsequent delivery by approved providers, and

63.2 Diplomas developed by approved providers.

D2.3 - Quality assurance

64 An AVA should have in place a clearly documented quality assurance arrangement that allows it to approve and monitor the delivery and quality of Access to HE Diplomas offered by both:

64.1 providers who are subject to external inspection, and

64.2 providers who are not subject to external inspection.

65 These arrangements should allow an AVA to ensure that the experience of students registered on Access to HE Diploma courses at providers not subject to external inspection is:

- **equitable** - at least of an equivalent quality to the experiences of students studying at organisations subject to external inspections by other bodies
- **consistent** - delivery of the programme of study is provided by qualified teachers and is at least comparable to that at other organisations delivering the AVA's Diplomas
- **robust** - the educational experience is at least as secure as for those students studying at traditionally funded organisations.

Condition D3: Provider and Diploma withdrawal

D3.1 - Withdrawal of an Access to HE Diploma

66 If a Diploma is to be withdrawn at or before the end of its validation period, an AVA must inform providers of the final date on which new starters may be enrolled, allowing reasonable time for registered students to complete the course or transfer to another appropriate course. If appropriate, arrangements should be made for transfer of credit.

D3.2 - Provider withdrawal

67 In the event that the provider withdraws from its role in delivering the Access to HE Diploma(s), the AVA must take all reasonable steps to protect the interests of learners.

Condition D4: Diploma and course transfers

Provider-developed Access to HE Diplomas and courses

68 It is a condition of provider approval for a provider to acknowledge and agree that any Access to HE Diploma or course it develops cannot be transferred from one AVA to another (see Condition C1.2).

69 Where a provider wishes to move its Access to HE provision from one AVA to another, it will need to make arrangements to withdraw its provision from the current AVA and undertake a provider approval and validation process with the new AVA.

AVA-developed Access to HE Diplomas and courses

70 An AVA can transfer a Diploma it has developed to another AVA. In undertaking the process of a transfer, both AVAs are responsible for ensuring that:

- 70.1 the receiving AVA is able to provide adequate and appropriate quality assurance arrangements, staff development and support for Diploma(s) and/or course(s) to be transferred
- 70.2 the receiving AVA has the resources to undertake the revalidation of the Diploma(s)/course(s) through its usual validation procedures before the transferred Diploma(s)/course(s) reach the end of the current period of validation
- 70.3 the receiving AVA is able to support the continuing study and achievement of students part way through a course and arrangements for continuation that meets the needs of students is confirmed for those students part way through a course; consent to a change of contract has been obtained in line with the relevant provisions of the *Consumer Rights Act 2015*⁸
- 70.4 appropriate arrangements have been made for the transfer of any records of assessment and achievement for students registered on a course at point of transfer, and
- 70.5 sufficient regard to Intellectual Property law and any Intellectual Property rights assigned to the Diploma(s) and/or course(s) being transferred has been given by both the transferring and receiving AVA.

⁸ www.legislation.gov.uk/ukpga/2015/15/contents

Section E: Setting, delivering and moderating assessments

Condition E1: Operationalising standardisation and moderation

Definitions

Valid means standards of awards are consistent with the external reference points for the Access to HE Diploma (that is, grades given to assessed work reflect the standard of achievement defined by the unit's learning outcomes and the grade components and sub-components that are applied from the grading standards).

Reliable means consistent standards are operated in the award of grades by individual tutors, within course teams and between providers across the AVA as a whole, and over time (that is, the same grade(s) is/are given where comparable standards of performance have been demonstrated).

71 An AVA must have in place and implement clearly documented standardisation and moderation procedures that ensure a common overall approach to assessment and grading and consistent standards in the awarding of grades on the Access to HE Diploma.

72 These procedures should ensure that the AVA is operating in line with the requirements of the *Access to HE Grading Scheme*, and cover all aspects of assessment design and practice, including:

72.1 unit design

72.2 assessment strategy at course level

72.3 assessment design at unit level

72.4 assessment decisions

72.5 moderator decisions

72.6 resubmissions and referrals.

73 In designing and operating its own mechanisms for moderation and standardisation an AVA should ensure that it takes account of the need for:

73.1 standardisation within providers

73.2 standardisation between providers

73.3 moderation standardisation.

74 An AVA's standardisation mechanisms should be designed to secure assessments (including grading) judgements that are **valid** and **reliable** and allow for:

74.1 moderators' engagement with assessment and grading decisions before a student has completed 30 credits of study

74.2 moderators to advise on and challenge provisional grades, where required.

75 Tutors and internal and external moderators should also have the opportunity to discuss and calibrate their expectations relating to the standards of work expected by:

75.1 the requirements of any work at Level 2 or Level 3

75.2 the learning outcomes and assessment criteria of the specific units with which they work

75.3 the grade descriptors.

Condition E2: Assessment design

76 An AVA should ensure that in setting an assessment, the content of the assessment:

76.1 is appropriate for the method and medium of delivery

76.2 provides an appropriate level of academic demand

76.3 provides opportunities, appropriate to the mode of study, for students to achieve the learning outcomes and assessment criteria of the unit

76.4 provides opportunities for differentiation of performance consistent with the requirements of the grade descriptors

76.5 requires the demonstration of academic skills

76.6 facilitates valid and reliable assessment of student achievement.

Accessibility of assessments

77 An AVA must ensure that in planning and setting assessments it complies with relevant provisions of the *Equality Act 2010*⁹, including its duty to make reasonable adjustments.

Condition E3: Academic misconduct (including generative artificial intelligence)

78 An AVA must have in place and implement a policy on academic misconduct (to include as a minimum: plagiarism, collusion, contract cheating and acceptable use of generative artificial intelligence) to ensure that quality and standards and academic integrity are maintained in the design and implementation of assessments.

79 The policy should identify what the AVA considers to be acceptable use of generative artificial intelligence, and what is unacceptable and how this may be treated as academic malpractice.

80 In developing and maintaining its policy position on the use of generative artificial intelligence in assessments, an AVA should have regard to relevant guidance that QAA may issue from time to time, as well as any relevant legislation, and may have regard to common and general approaches being undertaken within further education in the UK.

⁹ www.legislation.gov.uk/ukpga/2010/15/contents

Condition E4: Moderation

E4.1 - Internal moderation

81 An AVA must have requirements in place to ensure that its providers operate rigorous internal moderation procedures which facilitate:

- 81.1 the application of consistent standards of demand in assessment
- 81.2 assessment design that maximises reliability and validity in assessment outcomes
- 81.3 the consistent and accurate application of the requirements of The Access to Higher Education Diploma Specification and The Access to Higher Education Grading Scheme as appropriate.

E4.2 - External moderation

82 An AVA must arrange appropriate oversight of internal moderation by external moderators to ensure that internal moderation has been conducted in accordance with the AVA's published requirements.

E4.3 - Recruitment, selection and appointment of external moderators

83 The AVA should operate standard procedures for the selection and appointment of external moderators, which ensure that moderators:

- 83.1 have relevant teaching and assessment experience in adult, further or higher education
- 83.2 have relevant and current subject knowledge for their area(s) of moderating responsibility at a level at or higher than the level they are moderating
- 83.3 are external to the provider(s) they are required to moderate
- 83.4 have declared known and perceived conflicts of interest that are recorded by the AVA.

E4.4 - Induction and training of external moderators

84 An AVA is responsible for inducting and training external moderators to ensure they are sufficiently qualified to:

- 84.1 make judgements about the standards of performance that demonstrate achievement in accordance with the Ofqual Level 3 descriptor in England, or Level 3 of the *Credit and Qualifications Framework in Wales* (CQFW).
- 84.2 judge the comparability of input and outcome standards across the provision that they moderate.

85 An AVA should make available to moderators and providers, written guidance which details all aspects of the assessment model for the Access to HE Diploma, including information about grading standards and processes.

E4.5 - Moderator reports

- 86 An AVA should ensure its moderator reports contain information regarding:
- 86.1 standards of student achievement and performance on each Access to HE course, including information about grades awarded
 - 86.2 the process of assessment on each course, including the use of grading standards and the operation of grading practices.
- 87 An AVA should ensure that, upon receipt of a moderator report, it:
- 87.1 responds promptly to individual moderator reports
 - 87.2 provides copies of moderator reports to appropriate provider staff
 - 87.3 ensures that matters raised in reports that require specific action by providers are brought to providers' attention as soon as reasonably possible, alongside a clear timescale for action.

Section F: Awarding the qualification

Condition F1: Qualification recognition

F1.1 - Procedures for the award of Access to HE Diplomas

- 88 An AVA's procedures for the award of Access to HE Diplomas should ensure:
- 88.1 a final moderation process takes place before the Final Awards Board and before recommendations for the award of credits, grades or Diplomas are made to the AVA
 - 88.2 students on Access to HE courses are awarded credit and, where appropriate, grades for all units achieved and an Access to HE Diploma if the specified units have been achieved
 - 88.3 the function, processes and membership of the Final Awards Board are clearly defined
 - 88.4 all requirements as set out in the Recognition Scheme are met.

F1.2 - Certification

- 89 An AVA should ensure that it issues an Access to HE Diploma certificate to all students who have been awarded the Access to HE Diploma.
- 90 An Access to HE Diploma certificate should follow the format set out in Annex 3 of *Conditions for the use of Access to HE trademarks*, with the title of the Diploma set out as stipulated in Annex A of *The Access to Higher Education Diploma Specification*.
- 91 Any errors relating to the award or certification of the Access to HE Diploma should be rectified immediately by the AVA as soon as it becomes aware of such errors.

F1.3 - Transcript of achievement

- 92 An AVA should issue each student who has been awarded the Access to HE Diploma with a transcript of unit achievement. The transcript should include the grade awarded for each unit and how many credits were awarded for each successfully completed graded or ungraded unit.

93 Where a student achieves less than the 60 credits required for the Access to HE Diploma, an AVA should issue a transcript only. The transcript should include the units, credits and, where appropriate, grades achieved.

Annex B: Access Validating Agency Licensing Agreement

Introduction

1 The Quality Assurance Agency for Higher Education (QAA) is responsible for regulating the Access to Higher Education (HE) Diploma. The QAA Recognition Scheme for Access to HE ('the Recognition Scheme') provides the regulatory framework through which QAA exercises this responsibility. Within this framework, QAA authorises organisations to develop, validate, approve and award Access to HE Diplomas. An organisation that has been authorised by QAA for these purposes is known as an Access Validating Agency (AVA).

2 The Recognition Scheme can be split down into the following five areas:

1.1 **The Licence arrangements:** These are the arrangements QAA has in place to manage the licensing process for AVAs. They set out the requirements for becoming an AVA ('the Licensing Agreement') and maintaining an AVA licence.

2.1 **The Access to HE Conditions:** These are the conditions an AVA must continue to meet once it has been successfully awarded an AVA licence. An organisation that wishes to become an AVA must demonstrate how it meets, or may meet, some of these conditions.

2.2 **The Monitoring arrangements:** These are the monitoring arrangements QAA operates to make judgements about whether an AVA is meeting the requirements of the Recognition Scheme. This also includes information on the approaches QAA may take where it has concerns about an AVA's compliance with the requirements of the Recognition Scheme.

2.3 **The Qualification requirements:** These requirements are set out in the Diploma Specification, Grading Scheme and Subject Descriptors. The Diploma Specification and Grading Scheme set out QAA requirements for the design, delivery, assessment and award of the Diploma. The Subject Descriptors set out requirements for the content of particular subject areas. Together, these qualification requirements ensure consistency across the qualification, and across AVAs.

2.4 **Guidance documents:** QAA will, from time to time, produce guidance documents that provide further explanation and detail as to how specific elements of the Recognition Scheme will operate or be implemented by QAA.

3 This document sets out the terms of the AVA Licensing Agreement, the regulatory requirements for becoming an AVA and maintaining an AVA licence.

The benefits of an AVA licence

4 The award of an AVA licence provides an AVA with a range of benefits, including:

4.1 offering services for the development and recognition of Access to HE courses and the award of Access to HE Diplomas

4.2 using the Access to HE trademarks to identify themselves as a licensed AVA and the status of the work they do in relation to recognised Access to HE provision

4.3 benefitting from QAA's development and publication of information about the Access to HE Diploma, statistical data and advice provided to higher education providers by QAA

receiving information from QAA about developments relating to the Recognition Scheme, and being invited to participate in meetings and conferences arranged by

- 4.4 having its Access to HE courses listed on QAA's course database, and enquirers to QAA are advised of the availability of Access to HE courses
- 4.5 promoting its recognised courses and progression opportunities for students, with reference to the credibility of the Access to HE Diploma in the higher education sector, which derives from QAA's respected management and maintenance of national arrangements.

The time period of an AVA licence

5 An AVA licence is awarded for a specified time period, after which an AVA must reapply to retain its licence. The time period of an AVA licence will be determined on an individual basis, but will be subject to the following general policy position as a guide:

Licence type	Time period
New licence - for new AVAs	No longer than three years
Renewal license - AVAs seeking relicensing with no ongoing compliance concerns (for example, not currently subject to an ongoing investigation) and not subject to any regulatory activity	Five years
Renewal license - AVAs seeking relicensing with ongoing compliance concerns or where the AVA is subject to any current action from QAA as a result of any monitoring activity	Three years

6 QAA reserves the right, at its sole discretion, to place specific restrictions on the operation of the licence or the withdrawal of the licence in accordance with its procedures. Should QAA exercise this right, the AVA will be notified of the reasons and given an appropriate period of notice before the decision is enacted; fees will be payable for any activity falling outside the AVA annual monitoring process.

Terms of the AVA Licensing Agreement

7 The following terms ('Terms') are attached to the award of an AVA licence and must be complied with by all AVAs alongside all other elements of the Recognition Scheme. For the purposes of these Terms, the term 'Provider' refers to an authorised provider of Access to HE courses.

8 QAA may undertake an investigation into the AVA or any of its Providers if so required, at any time on reasonable notice, for any legitimate reason. Such reasons include but are not limited to circumstances where there is evidence that any of these Terms or any of the criteria or documents referred to within these Terms, are not being complied with. Such investigations can take place at the premises of an AVA or authorised Providers of Access to HE courses and can lead to procedures being instigated for the withdrawal of the licence or other regulatory activity.

9 Charges will be imposed for any investigation or activity undertaken outside the standard AVA monitoring process.

10 Save where expressed otherwise, in the event of a conflict between these Terms and any document referred to within these Terms, these Terms shall prevail.

Identity, constitution and governance arrangements

11 An AVA must be a company registered in England or Wales, have a constitutional basis that is clear and readily identifiable, and have formal documentation that specifies its legal identity, function(s), aim(s) and principal governance structures.

12 An AVA's legal identity, constitutional and governance arrangements jointly ensure:

12.1 protection from the undue influence of any one of, or a minority group of, its members

12.2 its independent decision-making and operation as an AVA, as required by these criteria and other requirements of the Recognition Scheme.

13 An AVA must not itself be a provider of Access to HE Diplomas or a receiver of Access to HE students.

Terms of agreement

14 The AVA agrees that it will:

14.1 act in accordance with the regulations set out in the QAA Recognition Scheme for Access to Higher Education (including the Access to HE Conditions) and such other requirements for AVAs that may be issued by QAA from time to time

14.2 exercise its AVA responsibilities through its own organisation as required by the Access to HE Conditions, and not devolve to any other body any part of those responsibilities, subsequent to QAA's approval of the organisation's arrangements for operation of the licence

14.3 follow, and be able to demonstrate that it has followed, the procedures that it has set out in formal submissions to QAA to demonstrate how it meets the Access to HE Conditions, which have been approved by QAA through the processes of AVA licensing or monitoring

14.4 make resources available to implement fully the approved procedures that are set out in its formal documentation or submissions to QAA, and requirements that may be made by QAA for the continuation of the licence

14.5 make a specified annual contribution as determined by QAA to the costs of maintaining and developing the QAA Recognition Scheme for Access to Higher Education

14.6 inform QAA of any proposed changes in ownership of the AVA

14.7 take legal advice and consult with QAA before adopting a new legal identity, in order to confirm:

- the appropriateness of the new identity for meeting its public obligations and
- that the new identity (or other, additional arrangements) ensures that the AVA's

liability exists separately from that of member or partner organisations and their individual representatives

- 14.8 cooperate with, and participate in, QAA's procedures for the licensing and monitoring of AVAs, including the submission of reports and data, according to requirements specified by QAA; and comply with requirements made by QAA for the continuation of its licence
- 14.9 take no action and make no omission that brings into disrepute or could endanger the reputation of the Access to HE qualification, the QAA Recognition Scheme for Access to Higher Education, or QAA, or which damages the goodwill or reputation in the Access to HE logo trademark and Access to HE word trademark (the 'Access to HE Trademarks')
- 14.10 use, and ensure that eligible Providers only use, the Access to HE Trademarks in such forms and such manner as permitted by QAA's *Conditions for the use of Access to HE Trademarks* for use of the Access to HE logo (as may be amended from time to time) and comply, and ensure that Providers comply, with all other provisions of that document and the licensing criteria in the use of the Access to HE Trademarks
- 14.11 not sub-license, assign or otherwise dispose of any rights granted under these Terms to any third party other than to eligible Providers in accordance with these Terms, and also acknowledge that all rights and goodwill in the Access to HE Trademarks shall belong to QAA and that neither the AVA, nor any Provider, shall acquire any rights in the Access to HE Trademarks other than as expressly set out in these Conditions
- 14.12 conduct an inspection or audit at any time on reasonable notice at any one or more of the Providers, should it be of the reasonable belief that the Provider is not operating in accordance with the requirements of any part of the Recognition Scheme, including, but not limited to, guidelines for the use of the Access to HE Trademarks in their use of the Access to HE Trademarks.

Non-compliance

15 The AVA acknowledges that, where QAA, in its reasonable opinion, concludes there has been, or there is risk of, non-compliance with any aspect of the Recognition Scheme, QAA may:

- 15.1 issue a notice to an AVA that requires an AVA to take targeted action to resolve the non-compliance, or risk of non-compliance
- 15.2 impose a specific condition or conditions on an AVA that must be complied with, which may require an AVA to take certain action, or prohibit it from taking certain action
- 15.3 impose a formal sanction on an AVA such that the AVA is restricted in the activities it can undertake under its licence, or suspend its licence.

16 The AVA acknowledges that, where QAA has taken action such as that specified in 15.1 above, and the AVA has failed to comply with the action, or the issue that led to QAA concluding in its reasonable opinion that there has been, or there is a risk of, non-compliance with any aspect of the Recognition Scheme, QAA may take further action as specified in 15.2 above, or may issue a notice as per 15.1 - to seek to terminate an AVA licence.

- 17 The AVA acknowledges that QAA may terminate the licence at any time on written notice to the AVA with immediate effect:
- 17.1 if the AVA is in breach of any of these Terms or Access to HE Conditions and, if the breach is capable of remedy, the AVA has failed to remedy such breach within 30 days of the date of the notice from QAA requiring such remedy
 - 17.2 if a resolution is passed or an order is made for the winding up of the AVA (other than for the purpose of solvent amalgamation or reconstruction) or the AVA becomes subject to an administration order or a receiver or administrative receiver is appointed over, or an encumbrancer takes possession of any of the AVA's property
 - 17.3 for non-compliance by the AVA with the Term 14.7 by entering into a new legal identity without recourse to legal advice and without adherence to relevant QAA procedures
 - 17.4 for non-compliance by the AVA with the guidelines for use of the Access to HE logo or in the event that, by reason of any act or omission of the AVA, there has been, or there is likely to be, damage to the reputation of QAA, the QAA Recognition Scheme for Access to Higher Education, or to any of the Access to HE Trademarks
 - 17.5 in the event that in QAA's reasonable opinion, by reason of the use being made of the Access to HE Trademarks by the AVA, there is a risk that the Access to HE Trademark may become devalued by its generic use or application; or that the Trademark has been used in such a way as to suggest QAA's approval has been given to activities that are unrelated to Access to HE
 - 17.6 in the event that the use by any of the AVA's Providers results in or is likely to result in one of the outcomes set out in paragraphs 17.4 and 17.5 above, and QAA has notified the AVA of such circumstances, and the AVA has not taken steps to rectify the same within a reasonable time period of being given notice to do so.

Published - 30 May 2024

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Southgate House, Southgate Street, Gloucester GL1 1UB
Registered charity numbers 1062746 and SC037786

+44 (0)1452 557 000
www.qaa.ac.uk