

The Access to Higher Education Licensing Arrangements

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Contents

Introduction	1
The benefits of an AVA Licence	2
Part 1: Awarding a Licence	3
The length of a Licence	3
Fees payable to QAA for Licence applications	3
Timeframes for application processing	3
Part 1a: New AVA Licences.....	4
Stage 1 – Initial conversation with QAA.....	4
Stage 2 – Completing the application	4
Stage 3 – Reviewing the Licence application and outcomes	4
Stage 4 – Award of the AVA Licence	7
The end of the Licence period, Licence withdrawal and surrender.....	7
Part 1b: AVAs applying for a renewal Licence.....	8
Stage 1 – Invitation to apply and assessment scoping	8
Stage 2 – Completing the application	8
Stage 3 – Reviewing the Licence application and outcomes.....	9
The end of the Licence period, Licence withdrawal and surrender.....	11
Part 2: Surrender of a Licence by an AVA.....	12
Application of Licence surrender to mergers	12
Stage 1 – Early notification	13
Stage 2 – Formal notification	13
Plans for Licence surrender.....	13
Transfer of provision	15
Stage 3 – Surrender of Licence	15
Part 3: Withdrawal of a Licence by QAA.....	16
Making a recommendation and decision to withdraw a Licence	17
Formal notification.....	17

Withdrawal arrangements	17
Part 4: Complaints and appeals.....	19

Introduction

1 The Quality Assurance Agency for Higher Education ('QAA') is the regulator of the Access to Higher Education (HE) Diploma ('the Diploma') and is responsible in its charitable objects to provide advice to governments on Diploma recognition. QAA also registers and holds the Access to HE logo trademark and Access to HE word trademark (together the 'Access to HE Trademarks'), which are the trademarks associated with the Diploma.

2 In maintaining the means through which the Diploma is recognised by governments for funding, QAA operates the QAA Recognition Scheme for Access to HE ('the Recognition Scheme'). The Recognition Scheme refers to QAA's arrangements for exercising its responsibilities in respect of the Diploma, and includes a framework of requirements set out in documentation through which QAA permits Access to HE courses to be developed, validated and approved, and Diplomas awarded, by Access Validating Agencies ('AVAs') under licence (the 'Licence').

3 QAA will award and permit AVAs to maintain their Licence for these purposes on the basis that they agree to adhere to QAA's requirements in relation to the Diploma as set out in the following documents which make up the Recognition Scheme:

3.1 **The Standard Terms for the Licensing of Access Validating Agencies** ('Terms') which set out the terms that AVAs must agree to in order to become an AVA and maintain its Licence.

3.2 The **Access to HE Conditions** ('Conditions') which are the obligations an AVA must comply with (or demonstrate its ability to comply with) to become an AVA and to continue to comply with to maintain its Licence.

4 The Terms and the Conditions make clear QAA's ongoing requirements for the award of a Licence. The Conditions contain reference to requirements, expectations and arrangements which are set out in further documentation. This includes arrangements for licensing and monitoring (the 'Monitoring Arrangements'), *The Access to HE Grading Scheme*, *The Access to HE Diploma Specification* and Subject Descriptors. It also includes additional guidance which QAA may issue which sets out further information about how QAA may assess compliance with the condition, or to assist AVAs' interpretation of the requirements.

5 This document sets out 'the licensing arrangements' – the arrangements by which QAA awards, withdraws and oversees the surrender of AVA Licences. This includes:

- the process and arrangements for the application and award of new AVA Licences to organisations who do not currently hold a Licence;
- the process and arrangements for the application and award of renewal Licences to current AVAs who wish to renew their Licence;
- the process and arrangements for AVAs who wish to surrender their Licence; and
- the process and arrangements in event that QAA decides to withdraw a Licence.

6 Guidance for new organisations and current AVAs to support the application process can be found at Annex A: *Guidance for Licensing Applications*.

The benefits of an AVA Licence

7 A Licence is awarded to an Access Validating Agency where QAA believes that it is able to comply with its requirements for Diploma recognition. The award of a Licence provides an AVA with a range of benefits, including:

- 7.1 the ability to offer services for the development and recognition of Access to HE courses and the award of Access to HE Diplomas;
- 7.2 use of 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;
- 7.3 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;
- 7.4 receiving information from QAA about developments relating to the Recognition Scheme, and being invited to participate in meetings and conferences arranged by QAA and to respond to formal consultations on the development of Access;
- 7.5 having its Access to HE courses listed on QAA's course database, through which enquirers to QAA are advised of the availability of Access to HE courses; and
- 7.6 the opportunity to promote 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.

Part 1: Awarding a Licence

The length of a Licence

8 A Licence is awarded for a specified time period, after which an AVA must reapply to retain its Licence. The time period of a 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 Licence – AVAs seeking relicensing with no ongoing compliance concerns (for example, not currently subject to an ongoing investigation) and not subject to any regulatory action	Five years
Renewal Licence – AVAs seeking relicensing with ongoing compliance concerns or where the AVA is subject to any current action from QAA as a result of any regulatory action	Three years

Fees payable to QAA for Licence applications

9 An organisation applying for a new Licence will be charged a fee for the application process at the point of submission. At present, the fee for applying for a new Licence is £32,500. This fee is accurate at the time of publication and is likely to be subject to annual changes, in line with an inflationary increase. This document will be updated accordingly.

10 AVAs applying for a renewal Licence will not be required to pay a fee for the application process.

11 Fees are also charged to AVAs on an annual basis for the operation of the Recognition Scheme as required in Term 13.7 of the *Standard Terms for the Licensing of Access Validating Agencies*. This contributory fee is intended to ensure that QAA is able to operate and discharge its responsibilities in respect of the Access to HE Diploma, including general monitoring and relicensing of existing AVAs. The method by which this fee is calculated is set out in guidance. AVAs are notified individually in writing of their fee calculation on an annual basis following the confirmation of QAA's budget for the forthcoming year.

Timeframes for application processing

12 The length of time it takes to assess an application will depend on a number of factors including complexity, demand (the number of Licence applications currently being processed and other regulatory activity being undertaken by QAA), and the timing of the submission in relation to the schedule of QAA decision-makers (the Access Regulation and Licensing Committee and the QAA Board). In general, we expect an application to take 4–6 months from submission upload to decision. During the process, QAA Officers would expect to be in touch with applying organisations and AVAs to discuss the application and its progress.

Part 1a: New AVA Licences

13 An organisation considering applying for a Licence for the first time should familiarise itself with the requirements for becoming an AVA and maintaining a Licence. This includes the *Standard Terms for the Licensing of AVAs*, *The Access to Higher Education Conditions* and this document before proceeding to Stage 1 of the process.

Stage 1 – Initial conversation with QAA

14 Once familiar with the documents set out above, alongside this guidance document, the organisation should contact QAA to request a meeting.

15 The meeting will provide an opportunity for questions from the applying organisation about the application process and the requirements for becoming an AVA. It will also provide QAA with an opportunity to understand the organisation, its operating context and plans in relation to Access to HE ahead of receiving an application.

Stage 2 – Completing the application

16 If the organisation wishes to proceed with an application, it should request an application pack and follow the application guidance set out in Annex A.

17 The application for a new Licence intends to provide QAA with an opportunity to assess an organisation's ability to meet requirements for AVAs insofar as they are reasonably applicable prior to the award of a Licence and operation as an AVA. Should the application be successful, an AVA will be expected to demonstrate its ability to meet all requirements of the Recognition Scheme on an ongoing basis as set out in the Regulatory Documents (see Condition A6.1) and guidance. It is therefore advisable that organisations wishing to apply for a new Licence familiarise themselves with all requirements before proceeding with an application.

18 In general, where it is not possible to demonstrate compliance with certain requirements on the basis that the organisation does not currently have an Access to HE operation, QAA would consider that a credible plan for meeting the requirement is sufficient evidence. Where an organisation provides evidence in this form in its application, clear explanation should be provided including:

- a clear reason(s) that the requirement cannot be met at the time of application
- explanation of intended practice(s) which will meet requirements and plans for implementation
- timescales for the implementation of practice(s) which will meet the requirements.

19 Guidance to support organisations in completing their application, including details of the requirements, can be found at Annex A.

Stage 3 – Reviewing the Licence application and outcomes

20 Once an application and all associated supporting documentation is submitted, and payment of the application fee has been made, an Officer from the Access to Higher Education Team will review the application using the following process.

Step 1 – Documentation check

21 The application pack will be screened by a QAA Officer to ensure the application form has been completed in its entirety and all required supporting documentation has been

submitted. If information is missing, the QAA Officer will contact the organisation, setting out what information is required to progress with the assessment. The application will not move on to Step 2 of this process until QAA is in receipt of a completed application pack.

Step 2 – Application review

22 Once the application is confirmed to be complete, the QAA Officer will review all submitted documentation, seeking evidence that the organisation meets, or will meet, the requirements of the Terms and the Conditions of a Licence.

23 After reviewing the application, further information may be required in order to complete the assessment. This may be additional evidence, further clarification or assurance. Where possible, the QAA Officer reviewing the application will aim to combine all necessary queries into one request. This will be sent alongside a deadline for response. If appropriate or convenient, further information may be provided verbally via telephone or video call, or in writing via email. The assessing Officer will be able to advise on the most suitable method.

24 An assessment of the application will be completed which will determine whether there is sufficient evidence that all requirements of the Recognition Scheme are either met or are likely to be met in practice.

25 The core requirements are set out in the *Standard Terms for the Licensing of AVAs* and *The Access to Higher Education Conditions*. These documents contain further requirements to comply with the wider documentation of the Recognition Scheme, for example the Grading Scheme, Diploma Specification and Subject Descriptors. Where available, additional guidance can provide further information on how QAA will tend to interpret these requirements and what may be considered compliant and non-compliant behaviour. This is available on our website, or on request. In general, consideration of the organisation's ability to meet the requirements will be guided by the principles set out in the Conditions and *The Access to HE Monitoring Arrangements*. Where aspects of the requirements that will be met in future are considered, weight will be given to the credibility of any plans outlined in the application and whether we are assured that plans can be implemented in practice on the basis of the information provided.

Step 3 – Making a recommendation

26 The assessment will be recorded in a report which sets out the recommended outcome to decision-makers, with clear reasons for the recommendation. Recommendations can only be made on the basis of information held by QAA regarding the applying organisation and its application, and the extent to which this evidences the requirements of the Recognition Scheme. Outcomes from the application are as follows:

Recommend award of new Licence (3 years)	It is recommended that the organisation is awarded a new Licence for a period of 3 years, subject to general ongoing monitoring for new AVAs. Minor actions or requirements may be attached to the award which do not meet the threshold for formal intervention. For example, a request that the AVA provide evidence that a plan is implemented in practice at a specified time.
Recommend award of new Licence (3 years) with monitoring intervention	It is recommended that the organisation is awarded a new Licence for a period of 3 years, subject to general ongoing monitoring for new AVAs <i>and</i> the imposition of monitoring interventions where it is considered necessary to mitigate an increased risk of non-compliance with the Terms or the Conditions. Examples of intervention include a Formal Notice or Specific Condition. Details of additional requirements will be communicated to AVAs in the outcome of their application.
Recommend refusal of a new Licence	It is recommended that the organisation is not awarded a Licence at this time and on the basis of the application submitted. This is because the application does not sufficiently demonstrate compliance with the requirements of the Terms or the Conditions, or a credible likelihood of compliance with requirements following reasonable action or intervention. Details of the reasons for refusal at this time will be communicated in the assessment report.

27 Recommendations will be reviewed and agreed by the Access to HE Manager and Director of Regulatory Services before progressing to the next stage in the decision-making process. The applying organisation will be notified of the provisional recommendation and reasons for this, as well as confirmation of the expected timeframes for decision.

Step 4 – Reaching a decision

28 Under the QAA Scheme of Delegated Authority, decisions relating to the award and withdrawal of AVA Licences must be considered by the Access Regulation and Licensing Committee (ARLC) for recommendation to the QAA Board. The assessment and recommendation will first be considered by the ARLC, which is a sub-committee of the Board, with the following outcomes:

- If the recommendation is to **award** and the ARLC agree, this recommendation will be made to the Board.
- If the recommendation is to **award** and the ARLC do not agree, the assessment will be returned to Officers for reconsideration. In this case, more information may be required and the organisation will be updated as to the progress of their application and likely timeframes for decision.
- If the recommendation is to **refuse** and the ARLC agree, the application is refused and no further recommendations will be made. The organisation will be notified of the outcome.

- If the recommendation is to **refuse** and the ARLC do not agree, the assessment will be returned to Officers for reconsideration. The organisation will be updated as to the progress of their application and likely timeframes for decision.

Stage 4 – Award of the AVA Licence

29 If the recommendation is accepted and a decision is made by the QAA Board to award a new Licence, the Licence shall be valid from the date of decision and the organisation shall be subject to its Terms from that date.

30 Any additional conditions or monitoring requirements will be confirmed in writing at the point of award and should be read and understood in conjunction with *The Access to HE Monitoring Arrangements*.

The end of the Licence period, Licence withdrawal and surrender

31 Where there is no established reason to recommend withdrawing a Licence before the end of its agreed period, and QAA is not otherwise notified of the AVA's intention to surrender its Licence, QAA will contact the AVA regarding an application to renew its Licence towards the end of the term (see Part 2).

32 If the AVA does not wish to renew its Licence at the end of the period, this will be treated as a surrender of Licence and it must notify QAA as soon as it is aware of this, following the process outlined in Part 2 below. Where this notification falls too close to the end of the Licence period to facilitate reasonable measures to transfer or teach out students, QAA may consider it appropriate to arrange a renewal Licence with specific conditions or a reduced term to cover the termination of provision in the interests of students.

33 If during the Licence period it becomes apparent that the AVA is unable to comply with the Terms, and the associated risk(s) have not been adequately mitigated through regulatory intervention, QAA Officers may recommend to the QAA Board that the AVA's Licence is withdrawn. If this falls towards the end of a Licence period such that adequate transition arrangements cannot be made for existing students, QAA will take measures to ensure that appropriate course recognition is in place to protect the interests of students. See Part 3 of this document for further details.

Part 1b: AVAs applying for a renewal Licence

34 Towards the end of its Licence term, QAA will invite the AVA to apply for a renewal Licence and provide a timeframe for the submission of an application approximately 6 months prior to the date of Licence expiry.

35 It is intended that QAA's approach to assessment for existing AVAs is proportionate to our understanding of regulatory risk in each context. Therefore, the requirements of the submission will vary by AVA and are likely to depend on the following factors:

- the length of the previous Licence
- monitoring and intervention history during the previous Licence period
- any established or anticipated changes to the AVA's operation.

36 Relicensing provides an opportunity for QAA to assure itself that the AVA continues to be able to comply with the Terms of its Licence in practice and over time. It provides a formal point of engagement and review to support the maintenance of quality and standards in Access to HE validation and provision.

37 It is assumed that, unless notice is given to QAA otherwise in writing, an AVA intends to renew its Licence. QAA will regard any AVA which intends not to, or declining to, renew its Licence as intending to surrender its Licence. Please refer to Part 2 of this document for details of the arrangements for surrender of Licence.

Stage 1 – Invitation to apply and assessment scoping

38 As for the process for the award of a new Licence, AVAs are expected to undergo an assessment at the end of their Licence period in order provide QAA with assurance that they continue to be able to meet the Terms and the Conditions of the Licence before it is renewed. The way some of this information is collected is called an application.

39 Where an AVA has not otherwise notified QAA that it intends not to renew (or surrender) its Licence, QAA will write to the AVA approximately 9 months prior to the end of the current Licence period to advise of our expected requirements for the application and a timeframe for submission. The deadline for the application will normally fall 6 months prior to the end of the current term, although AVAs are welcome to submit an application at any point from receipt of the letter.

40 In order to exercise its responsibilities in a proportionate manner and to minimise burden where possible, the information QAA may require for an individual Licence renewal application may vary. This stage is an opportunity to discuss or enquire about the requirements set out in the letter for both QAA and AVAs where needed.

Stage 2 – Completing the application

41 General requirements and guidance on submitting applications for a renewal Licence can be found at Annex A.

42 As set out above, the evidence QAA will require AVAs to submit may vary subject to a number of factors based on the monitoring information held regarding the individual AVA. Specific additional requirements for submission, or where we consider it appropriate to disapply requirements, will be set out in the invitation letter.

Stage 3 – Reviewing the Licence application and outcomes

43 Once an application and all associated supporting documentation is submitted, an Officer from the Access to Higher Education Team will review the application using the following process.

Step 1 – Documentation check

44 The application pack will be screened by a QAA Officer to ensure the application form has been completed in its entirety and all required supporting documentation has been submitted. If information is missing, the QAA Officer will contact the organisation, setting out what information is required to progress with the assessment. The application will not move on to Step 2 of this process until QAA is in receipt of a completed application pack.

45 If the AVA fails repeatedly to submit the required information resulting in the assessment of an application being delayed, such that the active Licence may lapse before a renewal Licence may be approved, QAA may take action to suspend the current Licence until either a new Licence is approved or a recommendation for withdrawal is accepted by the QAA Board.

Step 2 – Application review

46 Once the application is confirmed to be complete, the QAA Officer will review all submitted documentation, seeking evidence that the AVA continues to meet the Terms and the Conditions of the Licence.

47 After reviewing the application, further information may be required in order to complete the assessment. This may be additional evidence, further clarification or assurance. Where possible, the QAA Officer reviewing the application will aim to combine all necessary queries into one request. This will be sent alongside a deadline for response. If appropriate or convenient, further information may be provided verbally via telephone or video call, or in writing via email. The assessing Officer will be able to advise on the most suitable method.

48 An assessment of the application will be completed which will determine whether there is sufficient evidence that all requirements of the Recognition Scheme are either met or are likely to be met in practice.

49 The core requirements are set out in the *Standard Terms for the Licensing of AVAs* and *The Access to Higher Education Conditions*. These documents contain further requirements to comply with the wider documentation of the Recognition Scheme, for example the Grading Scheme, Diploma Specification and Subject Descriptors. Where available, additional guidance can provide further information on how QAA will tend to interpret these requirements and what may be considered compliant and non-compliant behaviour. This is available on our website, or on request. In general, consideration of the organisation's ability to meet the requirements will be guided by the principles set out in the Conditions and the Monitoring Arrangements.

50 When considering what information QAA holds regarding the AVA's monitoring and intervention history for the purposes of a renewal Licence assessment, QAA will take into account:

- any enhanced monitoring and interventions applied during the period of the Licence; and
- evidence where the AVA is subject to an investigation at the time of relicensing.

Step 3 – Making a recommendation

51 The assessment will be recorded in a report which sets out the recommended outcome to decision-makers, with clear reasons for the recommendation. Recommendations

can only be made on the basis of information held by QAA regarding the applying organisation and its application, and the extent to which this evidences the requirements of the Recognition Scheme. Outcomes from the application are as follows:

Recommend award of renewal Licence (5 years)	It is recommended that the AVA is awarded a renewal Licence for a period of 5 years, subject to general ongoing monitoring for AVAs. Minor actions or requirements may be attached to the award which do not meet the threshold for formal monitoring intervention. For example, a request that the AVA provide evidence that a plan is implemented in practice at a specified time.
Recommend award of renewal Licence (3 years) with monitoring intervention	It is recommended that the AVA is awarded a renewal Licence for a period of 3 years, subject to general ongoing monitoring for AVAs <i>and</i> the imposition of monitoring intervention(s) where it is considered necessary to mitigate an increased risk of non-compliance with the Terms or Conditions. Examples of intervention include a Formal Notice or Specific Condition. Details of additional requirements will be communicated to AVAs in the outcome of their application.
Recommend refusal of a renewal Licence	It is recommended that the AVA is not awarded a renewal Licence at this time and on the basis of the application submitted. This is because the application does not sufficiently demonstrate compliance with the requirements of the Recognition Scheme, or a credible likelihood of compliance with requirements following reasonable action or intervention. Details of the reasons for refusal at this time will be communicated in the assessment report (see <i>withdrawal of Licence</i>).

52 When considering the time period of the renewal Licence, an assessment which indicates that it is necessary to recommend the application of enhanced monitoring intervention, as set out in *The Access to HE Monitoring Arrangements*, will usually be an indication to offer a reduced Licence period. This is because earlier Licence renewal provides an additional opportunity to monitor and mitigate the risks identified. Where further actions or recommendations are indicated which do not meet the threshold for a formal intervention (for example, because the application of an intervention would not be proportionate to the risks identified), a five-year Licence period will normally be considered suitable. Ongoing failure to address minor identified actions may result in enhanced monitoring applied during the Licence period which could be taken into account in further licensing assessments.

53 Recommendations will be reviewed and agreed by the Access to HE Manager and Director of Regulatory Services before progressing to the next stage in the decision-making process. The applying AVA will be notified of the provisional recommendation and reasons for this, as well as confirmation of the expected timeframes for decision.

Step 4 – Reaching a decision

54 Under the QAA Scheme of Delegated Authority, decisions relating to the award and

withdrawal of AVA Licences must be considered by the Access Regulation and Licensing Committee (ARLC) for recommendation to the QAA Board. The assessment and recommendation will first be considered by the ARLC, which is a sub-committee of the Board, with the following outcomes:

- If the recommendation is to **award**, with or without additional monitoring intervention, and the ARLC agree, this recommendation will be made to the Board.
- If the recommendation is to **award** and the ARLC do not agree, the assessment will be returned to Officers for reconsideration. In this case, more information may be required and the organisation will be updated as to the progress of their application and likely timeframes for decision.
- If the recommendation is to **refuse** and the ARLC agree, the application is refused and no further recommendations will be made. The organisation will be notified of the outcome.
- If the recommendation is to **refuse** and the ARLC do not agree, the assessment will be returned to Officers for reconsideration. The organisation will be updated as to the progress of their application and likely timeframes for decision.

55 It is only expected that an AVA would be refused a renewal Licence where evidence became apparent through the renewal Licence application process which caused concern sufficient to trigger QAA to withdraw the current Licence in line with the approach set out in *The Access to HE Monitoring Arrangements*. In this instance, the AVA would be subject to arrangements for the withdrawal of Licence.

The end of the Licence period, Licence withdrawal and surrender

56 Where there is no established reason to recommend withdrawing the AVA's Licence before the end of its term, and QAA is not otherwise notified of the AVA's intention to surrender its Licence, QAA will continue to contact the AVA regarding an application to renew its Licence towards the end of the term.

57 If the AVA does not wish to renew its Licence at the end of the term, this will be treated as a surrender of Licence and it must notify QAA as soon as it is aware of this, following the process outlined in Part 2 below. Where this notification falls too close to the end of the Licence term to facilitate reasonable measures to transfer or teach out students, QAA may consider it appropriate to arrange a renewal Licence with specific conditions or a reduced term to cover the termination of provision in the interests of students.

58 If during the Licence period it becomes apparent that the AVA is unable to comply with the Terms or the Conditions of its Licence, and the associated risk(s) have not been adequately mitigated through regulatory intervention, QAA Officers may recommend to the QAA Board that the AVA Licence is withdrawn. If this falls towards the end of a Licence period such that adequate transition arrangements cannot be made for existing students, QAA will take measures to ensure that appropriate course recognition is in place to protect the interests of students. See Part 3 of this document for further details.

Part 2: Surrender of a Licence by an AVA

59 It is recognised that from time to time, and for various reasons, an AVA may wish to discontinue its operation as an Access Validating Agency and surrender its Licence. This may apply when:

- an AVA wishes not to renew its Licence
- an AVA has decided to cease its Access to HE operation but plans to continue to operate otherwise
- an AVA has decided to close or is closing for reasons beyond its control
- an AVA plans to merge with another organisation, *except* where it is the continuing corporation.

60 The arrangements below assume that the AVA intends to surrender its Licence and that the cessation of its Access to HE operation is planned and controlled. In the event of an unplanned or uncontrolled market exit of an AVA, QAA will take all reasonable measures as may be necessary in order to protect students and ensure continuity in their provision and awards.

Application of Licence surrender to mergers

61 Term 13.11 of the *Standard Terms for the Licensing of AVAs* states that the AVA must:

'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.'

62 This means, in the event that the AVA is dissolved either into a new entity or an existing entity, its Licence is not transferrable to that new entity. The Licence must be surrendered, and the new entity must either:

- where it is not an existing AVA, apply for an AVA Licence if it wishes to maintain the former AVA's Access to HE operation. This may be applicable in the case that all entities dissolve to make a new corporate entity, or the continuing entity is not currently an AVA.
- where it is an existing AVA, provide appropriate assurances to QAA regarding its ability and process for acquiring the former AVA's Access to HE operation.

63 Where an AVA surrenders its Licence because it intends to merge with another organisation and its Access to HE operation is intended to be maintained, this document should be read in conjunction with the relevant guidance.

64 If an existing AVA wishes to acquire another AVA, this will not affect the time period of its Licence. However, where the acquired AVA is subject to a reduced Licence period and monitoring interventions as set out in the Monitoring Arrangements, QAA may wish to apply additional Specific Conditions to the receiving AVA's Licence to mitigate the risk acquired from the dissolving AVA.

65 It is accepted that mergers may be legally complicated processes for the businesses involved and this may impact the time it takes to achieve a resolution to any such process. Where a Licence period is expected to end in the middle of the process of a merger, QAA will endeavour to manage this in the manner which incurs the least burden on all parties and is most proportionate to any risk arising in respect of its requirements for AVAs, with the aim of ensuring continuity for students. This will be considered on a case-by-case basis.

Stage 1 – Early notification

66 In managing a request from an AVA to surrender its Licence, QAA aims to ensure that there are secure arrangements for the cessation of the AVA's provision in respect of student continuation and award. It is therefore expected that the AVA must notify QAA of its intention to surrender its Licence at the earliest opportunity, as a notifiable event in line with Condition B1 of *The Access to HE Conditions*. QAA will request a discussion of the AVA's plans, their likelihood and impact at that time. Except in exceptional cases, it is expected that the AVA will be in a position to give early notice prior to a formal notification.

67 It is recognised that at this stage decisions to surrender the Licence may be tentative, particularly where a merger may constitute the outcome. The AVA will be issued notice in accordance with Condition B2 of *The Access to HE Conditions* to notify QAA of any updates to this event, including plans for the governing body's decision regarding surrender and where it no longer wishes to pursue plans to surrender its Licence, in line with guidance.

Stage 2 – Formal notification

68 The AVA must submit a new notifiable event confirming that it has taken a decision to surrender its AVA Licence which must be prior to any action taken by the AVA to cease its Access to HE operation. This notification must, at a minimum:

- be accompanied by written notice, signed by the Chair of the AVA's most senior body
- indicate the date of the meeting when the body approved the decision to surrender its AVA Licence
- indicate the reasons for the surrender of Licence
- indicate the intended date from which the AVA plans to cease its Access to HE operation ('the surrender date'), which should normally coincide with the end of an academic year
- be accompanied by confirmed plans for its surrender of the Licence (see below)
- note any additional information as required by QAA prior to receipt of the formal notification as set out in a notice to provide information.

69 The notification will be received and acknowledged by QAA Officers and shared with the Director of Regulatory Services and the Chair of the Access Regulation and Licensing Committee at the earliest opportunity.

Plans for Licence surrender

70 QAA expects that the AVA's plans for Licence surrender will be discussed and made known at an early stage through the notification of events process. In taking a formal decision to surrender the Licence, the AVA should be in a position to share with QAA its formally approved plans and arrangements for its Licence surrender. These plans must include:

- clear timeframes for activity relating to the cessation of its Access to HE provision
- plans for the notification of stakeholders and make information relating to its plans public, accounting for communications with both current and prospective students
- plans for the assignment of intellectual property rights, which in the absence of alternative reasonable plans will be assigned by the AVA to QAA
- comprehensive information regarding all providers, Diplomas and courses affected by the plans, including current student numbers registered on each named Diploma

- details of its planned arrangements for students registered on courses who will not have completed their award prior to the surrender date, including where exceptional provisions or extensions may apply
- details of its plans to transfer any provision where applicable, in line with the requirements of the Conditions
- arrangements for the provision of any final monitoring data as may normally be required by QAA.

71 QAA will assess these plans against its requirements and determine whether any additional action or consideration must be taken by the AVA.

Transfer of provision

72 Where an AVA does not plan to trade long enough to fully accommodate the teach out of all of its registered students at providers for the purposes of award, arrangements may need to be made for those students to complete their award with another AVA.

Arrangements for transfer must have regard to the requirements of the *Access to HE Conditions*, in particular Condition D4: 'Diploma and course transfers'. Requirements regarding transfer of student credit are set out in the Diploma Specification. Where necessary to protect student interest and where there is no credible alternative and it is sure the standards of Access to HE awards are maintained, QAA may reserve the right to disapply requirements regarding the recognition of prior learning on a case-by-case basis.

Stage 3 – Surrender of Licence

73 QAA will monitor the execution of the AVA's plans until the surrender date. During this time, it is expected that the AVA will continue to comply fully with the requirements of the Recognition Scheme.

74 On, or prior to, the surrender date as agreed, the AVA must confirm in writing to QAA that:

- it has completed all of its plans as supplied to QAA in its formal notification;
- the organisation has destroyed or discontinued use of all materials bearing the Access to HE Logo or recognition by QAA in relation to Access to HE in conjunction with its name, products or marketing; and
- there are no further outstanding matters of which QAA should be aware.

75 On or prior to the surrender date as agreed, QAA will write to the AVA to confirm the date from which it agrees that it will no longer recognise the organisation as an AVA and that it is no longer licensed to discharge its responsibilities as such.

76 After this time if the organisation wishes to become an AVA again, it must apply for a new Licence.

Part 3: Withdrawal of a Licence by QAA

77 Withdrawal of a Licence constitutes an intervention under *The Access to HE Monitoring Arrangements* and the provisions for withdrawal are set out in paragraph 16 of the *Standard Terms*. QAA will only decide to withdraw a Licence where the risks of AVA non-compliance with the requirements of the Recognition Scheme is significant such that the use of any other sanction would not be sufficient, or the use of other sanctions as set out in the Monitoring Arrangements has proven insufficient to mitigate risk or remedy non-compliance.

78 The basis on which QAA can withdraw a Licence from an AVA is set out in paragraph 16 of the *Standard Terms*, which states that QAA may terminate the Licence at any time on written notice to the AVA with immediate effect in the following circumstances:

- '16.1 if the AVA is in breach of any of these Terms or the 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;
- 16.2 if the AVA is in breach of any of these Terms or the Conditions which is not capable of remedy;
- 16.3 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;
- 16.4 for non-compliance by the AVA with Term 13.8 by entering into a new legal identity without adherence to relevant QAA procedures;
- 16.5 for non-compliance by the AVA with the QAA's Requirements for the use of Access to HE Trademarks 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;
- 16.6 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 Access to HE Trademark has been used in such a way as to suggest QAA's approval has been given to activities that are unrelated to the Access to HE Diploma; and/or
- 16.7 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 Terms 16.5 and 16.6 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.'

79 QAA will normally only look to pursue the withdrawal of a Licence where:

- the AVA's Licence has been restricted or suspended, and the AVA has not been able to sufficiently remedy or mitigate the risks identified under other sanctions;
- the AVA's Licence has been previously restricted or suspended, and the AVA fails to comply repeatedly with the same or different requirements of its Licence; or

- QAA judges that there has been non-compliance with the requirements of the AVA Licence which is severe or persistent to the extent that other interventions would not be sufficient to remedy it.

Making a recommendation and decision to withdraw a Licence

80 Where QAA Officers consider that concerns about an AVA's non-compliance with the requirements of the Recognition Scheme meet the thresholds above, a recommendation will be made to ARLC that the AVA's Licence is withdrawn, the clear reasons for this and the basis on which it is considered appropriate in line with the *Standard Terms*.

81 The recommendation should also propose a date from which the withdrawal should be effective (the 'withdrawal date') proportionate to the risks identified, and detail any arrangements which QAA should consider regarding the cessation of Access to HE provision at the AVA.

82 QAA Officers will discuss this recommendation with the Chair of ARLC, who will decide how and when the Committee will be convened to consider the recommendation and decide to recommend withdrawal to the Board.

83 Where QAA Officers consider that there are immediate risks to students or the reputation of the Access to HE Diploma which need to be controlled, the AVA's Licence may be suspended while awaiting approval to withdraw by the Board. The decision to temporarily suspend an AVA Licence may be taken by QAA's CEO.

84 Where it is considered that it is appropriate for the AVA to maintain its operation, restrictions on the Licence are likely to be recommended. In particular, restrictions are likely to be recommended in relation to:

- development, validation and approval of new Diplomas and courses
- approval of new providers
- registration of new students.

85 If ARLC agree that withdrawal of the Licence is appropriate and necessary, a recommendation will be made to the QAA Board. When approved by the Board, this will be effective either from the date of approval or a reasonable date thereafter as recommended by QAA Officers.

86 If ARLC does not agree that the withdrawal of the Licence is appropriate and necessary, an assessment of other suitable interventions will be undertaken.

Formal notification

87 The AVA will be notified in writing that a recommendation to withdraw the Licence is being considered by the ARLC, of any other sanctions in effect during this time, and again should the withdrawal be approved by the QAA Board. Correspondence will be addressed to the AVA's most senior body and receipt should be acknowledged within 1 working day.

Withdrawal arrangements

88 During the decision-making process, QAA will engage with the AVA to ensure that any mitigations are being managed by the AVA in line with the arrangements they have made under Condition A4 (identification and management of risk) and to ensure that these arrangements are controlled and in line with QAA's requirements in order to maintain standards and protection for students. In doing so, QAA will work with the AVA to establish a

withdrawal plan, with particular regard to:

- withdrawal of course approval
- transfer of provision
- assignment of intellectual property rights
- communication with stakeholders and public information regarding the withdrawal, and the AVA's association with QAA, its logos and trademarks.

89 On the withdrawal date, the AVA should confirm in writing to QAA that:

- it has completed all of its plans for withdrawal as discussed with QAA;
- the organisation has destroyed or discontinued use of all materials bearing the Access to HE Logo or recognition by QAA in relation to Access to HE in conjunction with its name, products or marketing; and
- there are no further outstanding matters of which QAA should be aware.

90 In the event that the process for Licence withdrawal occurs such that a reasonable withdrawal date might fall beyond the end of the current Licence period in order to complete withdrawal arrangements, arrangements will be made in the recommendation to Board to either:

- extend the current Licence period by exception to cover the winding up of awarding arrangements; or
- make exceptional arrangements for the transfer of credit or award of Access to HE Diplomas which maintain appropriate standards.

91 The decision to withdraw a Licence may be considered in line with the Access to HE appeals procedure (see Part 4 below) where the AVA considers that it has reasonable grounds to appeal.

Part 4: Complaints and appeals

92 Decisions relating to the award and withdrawal of Licences recommended by ARLC to the QAA Board may be eligible for appeal.

93 Where an AVA wishes to appeal against the duration of the time-limited AVA Licence awarded to them, they can do so by following the [Access to Higher Education Diploma: Appeals Procedure](#).

94 Where an applying organisation or AVA wishes to express dissatisfaction with the services QAA provides or actions it has taken in respect of the process for applying for a new or renewal AVA Licence, they can do so by following the [QAA Comments, Compliments and Complaints Procedure](#).

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