

Access to Higher Education Diploma: Review of Regulation and Licensing

Analysis of consultation responses and decisions

May 2025

Contents

Executive Summary	4
Publication of risk and regulatory information (risk ratings)	4
Amendments to the Conditions and Licensing Agreement	4
The International Access to HE Diploma (IAHED)	5
Transition and timeline for implementation	5
Introduction	7
What we consulted on	7
Analysis of responses and decisions	9
The constituent elements of the Recognition Scheme	9
Purpose of the Diploma	9
Timeline for implementation	9
Strategic Statement	10
Bureaucracy, burden and trust	11
Risk ratings	12
Growth of the Diploma	13
Time-limited licensing	14
Other	14
Arrangements for entering into and retaining a Licensing Agreement	15
Disagreement with the need for relicensing	15
The length of the licence period	15
Burden	16
International licence	17
Impact on Diplomas	17
Controlling the market	17
General questions and suggestions	18
Other	19
The Access to HE Conditions	19

General comments on the Conditions	19
Remit	21
Terminology	21
Eligibility to become an AVA.....	22
Impact on providers	22
Comments on specific Conditions	23
The monitoring arrangements	46
General comments	46
Burden	47
Strategic statement.....	47
Time-limited licences	48
Risk ratings	48
Questions.....	49
The Diploma Specification and Grading Scheme	49
General comments	49
International Access to HE Diploma: approach and options	51
Support for option 1	51
Support for option 2	52
Disagreement with both options	52
General comments	54
International Access to HE Diploma: comments on the proposals	55
English Language requirements	55
One Diploma per subject, per country	56
Blended learning	57
General comments	57
Transition and implementation	60
General comments	60
Transition and Implementation: pilot phase for International Access to HE Diploma	61
General comments	61

Individual AVA pilots	62
Collaboration between organisations.....	63
Link between domestic and international licences.....	63
Timeline	64
Conclusion and next steps	64
Annex A – Summary of amendments to the Conditions and Terms of the Licence	65

Executive Summary

1 In May 2024, the Quality Assurance Agency for Higher Education (QAA) opened a public consultation on proposed changes to its arrangements for the Recognition of Access to Higher Education Diplomas (The Recognition Scheme). This was open for a period of 12 weeks, and respondents were invited to comment on proposals under the following areas of the Scheme:

- The constituent elements of the Recognition Scheme
- Arrangements for entering into and retaining a Licensing Agreement
- The Access to HE Conditions
- The monitoring arrangements
- The Diploma Specification and Grading Scheme
- The International Access to Higher Education Diploma (IAHED)
- Transition and Implementation

2 On the basis of our analysis of the consultation responses, QAA has decided to make a number of amendments to the proposals, including clarifications and additions to wording in the Conditions. All amendments have been outlined in further detail in our responses below. While detailed clarifications and response can be found in the body of the document, the key changes we have decided to implement are highlighted in brief as follows:

Publication of risk and regulatory information (risk ratings)

3 We have decided to make a change to the terms we use to communicate risk and provided further clarity on its application. Rather than risk ratings, we will use the term 'regulatory judgements'. This better reflects the nature of the information we propose to publish about risk and compliance which will be in relation to decisions and judgements which lead to a regulatory intervention.

Amendments to the Conditions and Licensing Agreement

4 Amendments to the Conditions and Licensing Agreement have been largely minor and represent clarifications to wording. Some significant additions have been made:

4.1 The terminology regarding the Licensing Agreement has been refined for clarity and to better represent the function of the document. Following approval and re-publication, the Licensing Agreement shall under the new arrangements be known as "The Standard Terms for AVA Licensing". This represents the terms to which the AVA agrees in order to obtain and continue to operate under this Licence with approval from QAA.

4.2 At A7, specific consideration of requirements for student registrations in Wales have been added:

"[The AVA is responsible for ensuring that students are] 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, or eight weeks (56 days) for students studying at a provider in Wales or in receipt of Welsh government funding".

4.3 At C2, a requirement has been added to enable appropriate communications between AVAs regarding provider sanctions:

"Where an AVA imposes a sanction in line with the preceding Condition it shall promptly notify any other AVA with which that provider is also offering Access to HE

courses."

- 4.4 A similar requirement is added at D4 in relation to provider transfers, requiring an AVA to notify the receiving AVA where a provider sanction is in place:

"Where an AVA has imposed a sanction on a provider in line with Condition C2 at the point of transfer, it shall notify the receiving AVA of this sanction."

- 4.5 At E1, the inclusion of a requirement to participate in standardisation activities at the request of QAA:

"An AVA should make all reasonable efforts to, and ensure that its providers have the opportunity to where applicable, participate in activities at the request of QAA which are intended to promote and ensure the validity, reliability and consistency of standards in the application of the Access to HE Grading Scheme."

- 5 Details of minor amendments can be found at Annex 1 and in the discussion below.

The International Access to HE Diploma (IAHED)

6 Following a consideration of the responses we will refine our proposals and continue to take these forward as planned in a further consultation in early 2025. In the consultation we set out two possible models for the arrangements in respect of the IAHED and stated a preference for option 1 which entailed the award of a licence to individual AVAs on a country-by-country basis following demonstration of a credible plan for operating in that country. Option 2 entailed the award of a licence permitting wider international operations in multiple countries following the demonstration of a credible plan for operating in those countries.

7 A key change to our proposed arrangements will be to conduct the two-year pilot phase of the IAHED offer in line with option 1 set out above and then on successful completion of this, phase transition AVAs to the option 2 model.

Transition and timeline for implementation

8 A majority of responses expressed concern regarding the timeline for implementation of the new Conditions and the associated relicensing process.

9 In recognition of concerns raised within the consultation responses, we are proposing an alteration to the timeline for transition from the current Recognition Scheme to the implementation of the new Recognition Scheme. We intend to propose that the 2025-26 academic year will be a full transition year where we will operate a rolling relicensing scheme. This means that for the 2025-26 academic year we will be operating both the current and new Recognition Scheme as AVAs transition from one to the other.

10 To support this revised timeline, we will issue all relevant guidance to AVAs by Summer 2025. Ahead of the finalised guidance being issued we intend to give AVAs the opportunity to engage with draft versions to note any questions that they might have, although this will not be an opportunity to alter any of our determined approaches at that point.

11 We intend to give AVAs a window within which they will need to submit their application for relicensing, which we will confirm with them in early 2025. We expect this to start from October 2025, with three relicensing windows containing three AVAs in each. All AVAs will be relicensed under the new Recognition Scheme by 1 August 2026. Within the consultation we set out our decision to not accept any new applications for bodies wishing to

become an AVA until sometime in the 2024-25 academic year. In line with the revised timeline we have proposed above, we intend to accept new applications, should there be any, from 1 August 2025, the start of the transition year.

Introduction

What we consulted on

12 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 in England, Wales and Northern Ireland for the Higher Education Sector. 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.

13 The Access to Higher Education (HE) Diploma is a Level 3 qualification, currently designed primarily for adult learners who, for whatever reason, may not have the Level 3 qualifications that are required to enter higher education under contemporary admissions requirements for the subject area they wish to pursue. 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.

14 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'.

15 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.

16 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.

17 Our consultation sought views on proposals to make significant changes to the Recognition Scheme. Specifically, these proposals were as follows:

- **The Licensing Arrangements:** we proposed to move to operating on the basis of a time-limited licence, after which an AVA must reapply to retain its licence.

- **The Access to HE Conditions:** our proposals set out our intention to replace the 118 rules-based Licensing Criteria with a set of predominantly principles and outcomes-based Access to HE Conditions ('the Conditions').
- **The monitoring arrangements:** we proposed a reform of our monitoring activity into two specific levels – general monitoring and enhanced monitoring and engagement alongside the implementation of formal notices, specific conditions and formal sanctions as regulatory interventions within the Recognition Scheme.
- **The International Access to Higher Education Diploma (IAHED):** we set out initial proposals for the IAHED including its purpose, approaches to licensing and regulatory requirements including English language requirements, delivery mode and implementation. These proposals were preliminary and will be developed further before being consulted on again.

18 The detail of these proposals were set out in a consultation document and draft versions of the revised Licensing Agreement and proposed Access to Higher Education Conditions.

19 The consultation was open for 12 weeks and was publicised across a number of platforms. We also held three webinars where we set out our proposals and provided an opportunity for stakeholders to ask questions. We received 23 responses to the consultation from AVAs, providers of Access to HE Diplomas, higher education providers, further education providers, sector bodies/organisations and individuals.

Analysis of responses and decisions

The constituent elements of the Recognition Scheme

We asked respondents whether they had any comments regarding the constituent elements of the Recognition Scheme and other aspects covered in this section regarding QAA's approach.

Purpose of the Diploma

20 Respondents were generally supportive of our proposal to consistently define the purpose of the Diploma. However, several respondents suggested additions or amendments to our proposed definition. These were as follows:

- to expand the definition beyond adult learners
- to refer to the Diploma as a post-16 qualification thus ensuring consistency with other Level 3 qualifications
- to make explicit reference to the ability to complete on a part-time basis, and
- to reframe the wording, focusing on highlighting the Diploma's role in equipping learners with essential skills and knowledge.

Response

21 We agree that referring to the Diploma as a post-16 qualification would ensure consistency with other Level 3 qualifications. However, we consider that it is appropriate to ensure that the definition and purpose of the Diploma maintains clear reference to adult learners. This is because public funding available to Access students is available to adult learners. While learners of any age may study an Access to HE Diploma, the current policy position is that for learners under 19 funding is only awarded by exception. It is the case therefore that, in the majority of cases, the qualification is likely to be more suitable for those who are 19 years or older on the first day of their course.

22 We also agree that it would be useful to reframe the wording to focus on positively highlighting the purpose of the Diploma as well as ensuring that the wording makes it clear that the Diploma can be completed on a full-time or part-time basis.

23 Therefore, we have amended the definition as follows:

- The Access to HE Diploma is a Level 3 post-16 qualification (equivalent to A-levels and T-levels) primarily focused on providing adult learners who wish to enter higher education the necessary qualifications in the subject area they wish to follow. If 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.

Timeline for implementation

24 Several respondents used this question as an opportunity to raise concerns about the proposed timeline for implementation of the updated Recognition Scheme, requesting that implementation of the Conditions and requirements for relicensing be delayed until April or September 2026.

25 AVAs have suggested that a delay to implementation will better enable them to

engage constructively with their Board, Committee, Access to HE providers and accepting higher education institutions. It was also noted by some that an extended timeline would allow AVAs more time to read and understand associated guidance once published as well as allowing for a longer window for relicensing.

Response

26 We recognise and understand the concerns raised by respondents in respect of the timeline for implementation. Whilst we do not agree with suggestions to delay implementation to April or September 2026, we do agree that a revised implementation timeline is required.

27 We have revised the timeline for implementation to facilitate the 2025-26 academic year becoming a full transition year during which we will operate a phased relicensing programme. This means that for the 2025-26 academic year we will be operating both the current and new Recognition Scheme as AVAs transition from one to the other.

28 To support this revised timeline, we will issue all relevant guidance to AVAs by early Summer 2025. Ahead of the finalised guidance being issued we intend to give AVAs the opportunity to engage with draft versions to note any questions that they might have, although this will not be an opportunity to alter any of our determined approaches at that point.

29 We intend to give AVAs a window within which they will need to submit their application for relicensing, which we will confirm with them in early 2025. We expect relicensing to start from October 2025, with three relicensing windows containing three AVAs in each. All AVAs will be relicensed under the new Recognition Scheme by 1 August 2026.

30 Within the consultation we set out our decision to not accept any new applications for bodies wishing to become an AVA until sometime in the 2024-25 academic year. In line with the revised timeline we have set out above, we intend to accept new applications, should there be any, from 1 August 2025, the start of the transition year.

Strategic Statement

31 Several AVAs used their answer to this question to request more information on the proposal to introduce a requirement for each AVA to have a strategic statement. Specifically, these respondents were keen to understand the purpose of the statement as well as what it should contain and what format it should be in. In addition, some AVAs raised concerns about the possibility of the statement containing information that might be commercially sensitive and a handful of respondents noted their disagreement with the need for the statement to be approved by QAA.

32 Some respondents suggested, as an alternative option, that QAA produce a strategic statement that AVAs can then use as the basis for their own statements, or that QAA and the AVAs produce a joint strategic statement.

33 Alternatively, some respondents noted that, if proposals for the strategic statement do go ahead as set out in the consultation, AVAs will need time to consult with relevant stakeholders and engage with their own internal governance structures to ensure that the statement is relevant and meaningful.

Response

34 The introduction of the requirement for a strategic statement intends to capture how an AVA will contribute to the overall Access to HE landscape by setting out its purpose, goals and resources in relation to its Diploma provision. While we have presently consulted on the principle of the strategic statement, details of the contents and format are considered

operational and will be set out in guidance.

35 We have understood that respondents have expressed concerns about the scope of the statement. QAA can confirm that AVAs will not be required to disclose any commercially sensitive information in a strategic statement. The reason we have proposed a requirement for a Statement which is approved by QAA is because we consider that AVAs have a significant influence over how the Access to HE Diploma is perceived. As the organisation with overall responsibility for the qualification, we consider that it is important to ensure that there is overall alignment within the strategic development landscape and that organisations awarding the qualification have a responsibility to contribute to its strategic direction. Increased visibility of the strategic consideration of Access within AVAs, like many of our requirements, supports QAA in meeting its charitable objectives as custodian of the Access to HE Diploma to provide advice to governments. In achieving this, the requirement for a strategic statement will support QAA in securing the future of the Diploma at the policy level and enable us to drive its growth with greater understanding of its strategic context within the organisations which award it.

36 Respondents suggested alternatives to this requirement might include a statement created by QAA which AVAs can adopt, or a joint statement. We reject these suggestions because we consider that this would run counter to our aims underlying these proposals to provide AVAs with more opportunities to operate flexibly and in a manner which benefits their own individual contexts as businesses. While our guidance will set out themes we would expect an AVA to consider in their strategic statement, any requirement that stipulates the homogenisation of AVAs' strategic objectives in relation to Access may have negative impacts on individual organisations and the growth of the Diploma's market. Similarly, we reject the suggestion for the statement to be joint because the roles and purpose of QAA and AVAs in relation to Access are sufficiently distinct that this would not be appropriate.

37 Following consultation, we intend to retain the requirement for a strategic statement in the Recognition Scheme. The response to comments received on the wording of the proposed Condition which sets out the requirement for the statement will be addressed in the relevant section below.

Bureaucracy, burden and trust

38 Several respondents acknowledged positive steps taken by QAA in recent years to cultivate trust-based relationship with AVAs. However, there was a suggestion that the proposals set out in the consultation have run counter to this as well as the stated consultation aim of reducing regulatory burden.

39 Specifically, some respondents suggested that the proposal to introduce time-limited licences and the subsequent need for relicensing indicate a lack of trust in AVAs and their ability to safeguard the Diploma. In addition, some responses to this question have noted that the proposed Conditions are cumbersome and reduce autonomy for AVAs. Specific examples of this were not included in response to this question but have been included in response to other consultation questions so will be addressed later on in this document.

40 Some respondents positively acknowledged that the structure and focus of the proposed Conditions are better aligned with other qualifications regulators, yet this was balanced with suggestions from others that QAA had not gone 'far enough' in its proposals with calls for QAA to ensure the regulatory approach mirrors that of other qualifications regulators. In addition, whilst support was given for the clear distinction between the Licensing Agreement and the Conditions, it was suggested that these 'dual elements' increase regulatory burden above that of other regulators.

Response

41 QAA continues to be committed to an approach which promotes trust between it and its stakeholders, and confidence in the Diploma first and foremost. We note the recognition of positive developments in this direction from AVAs and agree that this should continue to be the case.

42 In the first instance, we consider that full relicensing is necessary to transition all continuing AVAs onto the new Recognition Scheme arrangements. This is a practical requirement, as criteria for assessment for the existing licence will no longer be valid and AVAs will not yet have been assessed against the conditions of a new licence. On an ongoing basis we consider that there are a range of benefits to time-limited licences, especially for students, and that assessment of AVAs on a routine basis will contribute to the stability of the qualification through strengthened consumer confidence. One of our guiding principles in devising this new framework has been protecting the student interest, and we consider time-limited licences to be important in support of this principle. Student protection is of particular significance for Access students – as adult learners studying a Level 3 qualification, they do not benefit from the same range of opportunities for recourse or protections as students under 19, or higher education students. It is therefore incumbent on QAA as the regulator of the Diploma to ensure to a high degree of confidence that standards are upheld over time.

43 Additionally, we anticipate relicensing will enable us to reconsider the balance of regulatory activity and information submissions across the licensing period. This may have the effect of consolidating our regulatory activity in a manner that is regular and predictable, and lessen the need for additional information in the interim period.

44 We note the comparison made by respondents on this point to other qualifications and education sector regulators where a licence model is not operated. QAA has a different context to other regulators, where we are regulating a single qualification for a single purpose and are responsible for the Access to HE trademark. We therefore maintain that it is to be expected that our focus will be more specific and direct and that this model continues to be appropriate for our context. We consider the changes that we have proposed to our overall approach to regulation and, in refining the Conditions, will ensure that QAA can be proportionate and targeted in its regulation of the Diploma and that this will consequently reduce burden.

Risk ratings

45 A number of respondents were not supportive of our proposals around the publication of risk ratings, suggesting that publication could damage public confidence in the qualification or discourage AVAs from working with providers who have high-risk learners.

46 Other respondents voiced support for the proposals but wanted to know if the reasons for the rating will be made public and if QAA intends to publish guidance for AVAs on how to use the risk ratings.

47 In addition, some respondents suggested that QAA could follow the approach of other regulators, publishing undertakings that an AVA and QAA will take to resolve a regulatory incident or concern.

Response

48 Our current position during this consultation period and until the finalisation of the new arrangements has been to remove risk ratings from the AVA profiles on the QAA website. In doing so, we have acknowledged the complexity of risk in the regulatory context and the impact of publishing such information without clear and careful guidance.

49 We will continue with plans to publish information about risk in accordance with the approach set out in the consultation to only identify risk where an AVA is under investigation, or a regulatory sanction has been applied following a judgement. Information relating to risk will not be public until and unless it has been established that there is a clear and evident reason to do so. The nature and meaning of the judgements will also be communicated clearly. Publication of this information demonstrates clear and robust oversight of the Diploma and for this reason we disagree with the suggestion that it may harm public confidence. On the contrary, we consider that this approach is likely to support public confidence in the Diploma as it promotes transparency and is in line with other regulators.

50 However, in response to the feedback we have received, and in order to be absolutely clear about the scope and intent of this information, we will move away from labelling this information 'risk ratings'. Instead, we intend to label this information 'regulatory judgements'. This will provide information about formal judgements that have been made where there is an established cause for concern about an AVA's ability to meet the conditions of its licence and the intervention applied as a form of mitigation, for example, a specific condition. Guidance about risk and regulatory judgements will be made available alongside any published judgement of an AVA against a condition.

Growth of the Diploma

51 Several respondents noted that the consultation appeared to focus on AVA-led growth of the Diploma, with a request for specific information or a commitment from QAA on what it will be doing to raise the profile of and grow the Diploma. We also note a concern expressed about the possibility of future changes to the number of AVAs.

Response

52 QAA is currently focussing on removing burden and preparing a regulatory environment which will allow innovation and flexibility in how the Diploma can be offered in the future. We will also continue to work with sector stakeholders on initiatives such as the subject descriptors, because we believe this gives greater consistency and further strengthens the standing of the qualification across the Level 3 landscape.

53 Additionally, QAA has invested in its public affairs presentation of the Diploma and its benefits, including where we work collaboratively with AVAs to explore international markets and ongoing preparation to improve the quality and clarity of the public information about Access on our websites.

54 We consider all these things important for creating an optimal environment to allow growth for the Access to HE Diploma. While it is QAA's role to do this in relation to the regulatory and policy context, it is less appropriate for us as the regulator to be involved in activities such as direct marketing and student recruitment. However, we will continue to engage collectively with AVAs in a strategic capacity through activities such as the monitoring of and reporting on registration data, and hosting groups such as the Promotion of Access Working Group which facilitates cross-organisational working to promote Access.

55 An objective in undertaking this work to support the growth of the Diploma is that the qualification becomes more attractive to students, providers and awarding organisations in a competitive qualifications market, and that it is adaptive to changes in that market. By bringing our approach and requirements more into line with other sector regulators, and as a result of other profile-raising activity it is possible that other organisations may be interested in becoming an AVA. QAA will accept new licence applications from organisations who are able to meet our requirements once the new framework is approved and in operation from the start of the 2025-26 academic year.

Time-limited licensing

56 Several respondents used this question to voice their disagreement with the proposal to introduce a time-limited licence. Specifically, respondents noted a concern that the relicensing process could stifle investment and innovation, with a suggestion that these may drop off at the end of a licensing period because of uncertainty around successfully obtaining a renewal licence.

57 Some respondents also suggested that relicensing may negatively impact AVA/provider relationships as providers may be more inclined to pursue new relationships with AVAs who have a longer period of time left on their licence.

Response

58 We disagree with reasoning given in opposition to this proposal of time-limited licensing potentially stifling investment and innovation. This is because we do not agree that relicensing presents any risk of immediate 'cliff-edges' and that the addition of a range of regulatory actions that are proposed in the consultation (see section 'Regulatory Interventions') mitigate the risks that exist under the current arrangements wherein licensing and compliance is a binary matter. We therefore consider that an AVA that can demonstrate that it is compliant with the Conditions should have confidence that ongoing risk and uncertainty of licence withdrawal is minimised particularly in comparison to the current arrangements. Additionally, we note that consultation responses from other types of stakeholder on this topic are largely positive and so we do not have any evidence that time-limited licences are likely to have a negative impact on provider or sector confidence in the qualification.

59 In respect of what information is made publicly available about the AVA licence, whilst we envisage publishing a commencement date for transparency, we do not at present intend to publish the length of an AVA's licence. We consider that, where there is concern regarding the AVA's ability to comply with the Conditions of Licence such that we consider a shorter licence period should be granted, this will be most usefully conveyed through the information published regarding regulatory judgements and mitigations (see above).

Other

60 Across the responses to this question there were a number of general comments and questions as set out below:

- A request for the rationale behind moving the 42 day learner registration requirements from the Diploma Specification to the Recognition Scheme and the implication for reporting requirements.
- A request for a review of the Subject Descriptors to assess the impact of this work.
- A request that once changes to the Recognition Scheme have been implemented that all regulatory documents are centrally located and are kept to a minimum.
- It was noted that the consultation is England-focused and a suggestion that QAA engage with Medr to better understand changes to the HE landscape in Wales and how this might interact with the Diploma

Response

61 We consider that the current situation of locating the 42-day learner registration requirements in the Diploma Specification is inappropriate because it represents a requirement relating to reporting and monitoring rather than relating to the necessary structure of the Diploma. For this reason, we believe that the Conditions represents a more appropriate location. This requirement will continue to be the same in practice as it is now, in

that an AVA is required to report all late registrations to QAA.

62 The Subject Descriptors have been subject to a pilot phase, the evaluations of which are published. QAA has monitored the impact of the Subject Descriptor for Medicine on progression to HE through analysis of data and continued engagement with the Medical Schools Council. We shall continue to monitor the impact of the Descriptors through feedback from AVAs and providers as well as through progression data. We also welcome AVAs' views on the introduction of Subject Descriptors in their own individual contexts.

63 We agree that it is important to ensure that all regulatory documentation is accessible and readily available to all those who wish to and need to view it. Alongside the present review, QAA has committed to undertake work to relaunch the Access to HE website, and carefully review the public presentation and accessibility of our regulatory information. We intend that all regulatory documentation will be available in a clear and transparent way following the approval of the revised Recognition Scheme by the QAA Board in 2025.

64 The Access to HE Recognition Scheme operates in England, Wales and Northern Ireland. The principles-based focus of the Conditions affords AVAs greater opportunities to be flexible in their approach to meeting the Conditions with regards to their local business needs. We have acknowledged specific concerns with regards to funding of Access to HE students in Wales separately in the consultation response (see discussion of Condition A7). We meet regularly with regulators, funders and policy makers in England and Wales specifically with regards to the Diploma. QAA also works closely with a range of sector bodies working in the nations, including Medr, and in continuing to do so look forward to a collaborative and productive relationship with them.

Arrangements for entering into and retaining a Licensing Agreement

We asked respondents whether they had 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.

65 We have identified a number of themes in our analysis from the responses to this question and these are summarised below.

Disagreement with the need for relicensing

66 Aside from one, all AVAs disagreed with the proposal to move to a time-limited licence. Some AVAs noted disappointment that the consultation states that the proposal is something they had previously agreed to. In contrast, other respondents were mostly in support of a time-limited licence.

Response

67 On 19 October 2022 we wrote to AVAs outlining that we were adopting time-limited licensing as our general policy position, and that it is intended that AVAs will undertake relicensing every five years. The proposals set out in this consultation represent an update to our proposals in this regard and provided further detail. Our records do not indicate that we received any correspondence in response to this letter or the position set out therein.

The length of the licence period

68 Some respondents suggested that the proposed licence period of five years may be too short, citing that it could increase burden. One AVA suggested that the proposed licence

period could unsettle providers and students because there is a risk at each relicensing point the licence may not be renewed.

69 Further information and clarity was requested on the threshold for consideration of a reduced three-year licence period. For example, the meaning of 'monitoring activity', noting that currently 'monitoring activity' can be taken to mean relatively minor follow-up actions or engagement, and clarification on the severity of actions which may lead to a three-year licence. There was concern that the current wording could be taken to mean that this could result in a shorter licence period which may not be proportionate.

Response

70 We maintain that five years is an appropriate interval for a monitoring cycle. On a full-time basis, the Access to HE Diploma is a one-year qualification and one licensing period will see up to five cohorts. Based on present figures, this represents over 100,000 students. We therefore think that this is reasonable as an interval at which QAA can assure itself that AVAs continue to uphold standards and meet the conditions of their licence.

71 In response to queries requesting clarification on the wording of our requirements, we agree on reflection that this could be made more clear. Therefore, where we previously referred to 'monitoring activity' in relation to the three-year licence term this will be amended to 'current regulatory action' which we consider more precisely reflects the circumstances we are likely to take into account when making a decision about a licence term. This term refers to (but is not limited to):

- the formal intervention measures set out in the section of the consultation headed 'Regulatory Interventions'; and
- where the AVA is subject to an investigation at the time of relicensing.

72 Judgements about an AVA's licence term are expected, like any regulatory assessment, to be made on the balance of various factors, taking context and proportionality into account. Therefore, it is possible that one AVA issued with a Formal Notice as a form of intervention at the point of relicensing may be granted a five-year licence if a reduced term is not considered proportionate to the risk. However, another AVA with a Formal Notice may be granted a three-year licence where a shorter licence period is considered proportionate as a mitigation in relation to the risks present at assessment. Further detail about the approach QAA takes to assessment will be made available in guidance at an appropriate point in the future.

Burden

73 A significant proportion of the respondents reported that they see relicensing as a process that would increase burden rather than reduce it. Some have suggested that they disagree with our rationale or require further explanation. There was one suggestion that relicensing could increase burden for higher education providers and Access providers. There were also further suggestions that the process is indicative of a lack of trust in AVAs.

Response

74 We have addressed some aspects of these concerns elsewhere in the consultation response. While we recognise that any assessment process entails some level of burden, such assessments are necessary in some form and this is common to all sector regulators. Because of the licensing model that Access operates under we consider that, on balance, relicensing is an effective method of gaining assurance from AVAs that they continue to be compliant with the conditions of their licence. This is intended to replace other methods of intensive assessment such as thematic reviews and sit alongside other, less intensive routine monitoring such as the submission of registration and progression data.

75 Similarly, accepting that some level of monitoring and assessment of AVAs on behalf of QAA is necessary in order to operate the Recognition Scheme effectively, we intend that a regular and formalised process for this will increase transparency and trust in the long term between both parties. We recognise the concerns that have been raised by respondents that the proposal for time-limited licences in particular represents a perceived lack of trust. However, we disagree with this suggestion and maintain that the increased transparency, openness and accountability facilitated by these proposals on the part of both QAA and AVAs will foster greater levels of trust overall.

International licence

76 Some respondents queried where the international licence would sit within the process for time-limited licence application and renewal, and some further suggested that this may involve further complexity and burden for AVAs who wish to operate with an international licence.

Response

77 The international licence will be granted separately, and an AVA will have to have a domestic licence in order to apply for an international one. Like domestic licences, international licences will be time-limited and the period will be determined on the basis of risk. It is likely that where QAA determines that the risk of an AVA being unable to comply with the conditions of its international licence is such that no additional conditions or interventions apply, its term can be determined to run alongside the domestic licence, if we consider this is appropriate and proportionate.

78 We recognise that the process of applying for an additional licence will naturally incur some additional burden. It is for the AVA to consider and determine whether it is suitable for their operation.

Impact on Diplomas

79 Some respondents from AVAs asked if Diploma end dates will need to align with the end date of a licence.

80 Suggestions that time-limited licensing may stifle growth and innovation (which had been stated earlier within consultation responses) were developed further here in response to this question. It was suggested that AVAs will be less likely to invest in developments towards the end of their licence period due to lack of certainty that the licence would be renewed.

Response

81 We can confirm that it is not the case that Diploma end dates will need to align with the end date of a licence. This is for the same reasons outlined above that the proposed arrangements will not create artificial cliff-edges and minimise the possibility of sudden licence withdrawal that are present in the current Recognition Scheme.

Controlling the market

82 One respondent queried whether QAA was proposing to introduce time-limited licences as a means of controlling the Diploma market. Others have suggested that relicensing could offer some AVAs an unfair competitive advantage where providers will seek to work with AVAs who have longer licence periods.

Response

83 Our proposals represent a framework by which QAA can regulate AVAs in their validation and award of Access to HE Diplomas. This involves market control in the sense

that QAA sets and enforces the requirements for which organisations are suitable to be an AVA and which are not. However, this is not a change from our current position.

84 As set out above in our earlier responses to comments about the impact of relicensing on AVA-provider relationships, we disagree that time-limited licence periods will introduce unfair competitive advantage to particular AVAs. We argue that the risk of sudden licence withdrawal, as long as an AVA wishes to continue operating a licence, is minimised under the current proposals. We consider it is up to AVAs to demonstrate to providers the benefits of working with them. Stakeholders of the Diploma at all levels will have access to the same information about each AVA which we have determined is important to exist in the public domain for purposes of transparency and accountability. While at present it is not our intention that specific licence periods will be included in that information, we consider that the regulatory judgements we publish will be sufficient to achieve this aim.

General questions and suggestions

85 Two additional questions were asked. These were: whether a licence term can be reduced in response to a judgement of risk after it has been granted, and if it is QAA's intention to inform providers of compliance concerns with an AVA.

86 Suggestions were made in relation to the requirement to undergo a relicensing process. For example, that current AVA licences should automatically be transferred to the new Conditions, and that relicensing should only apply to AVAs judged to be at increased risk.

87 One AVA outlined the monitoring approach of Ofqual in their response as a successful model, specifically the annual submission of a statement of compliance and responses to focussed questions on particular compliance themes. The respondent set out that they considered a 'deep dive' into one area per year to be preferable to a single holistic assessment point on the basis that this creates less burden.

Response

88 It is not the case that QAA could alter the term of the licence once it has been granted. In the event that we have concerns about an AVA's ability to comply with the conditions of its licence we would seek to apply regulatory interventions, which in serious cases may eventually lead to the withdrawal of its licence. If interventions still apply at the point of relicensing this would be considered as a factor in determining the length of a subsequent licence.

89 Additionally, it is not our intention to proactively communicate compliance concerns to providers, although as set out in the consultation (and expanded upon in the section on risk ratings above) we do intend to publish certain information about compliance which will be available to providers. As now, we will continue to encourage providers to raise any concerns they have with us via the Access to HE Concerns Scheme.

90 We do not agree with the suggestion that AVAs are awarded a licence subject to the new conditions without assessment to determine they are able to meet those conditions. As with the current licences, all organisations who wish to be an AVA must be able to demonstrate that they are able to meet the conditions of their licence at the point of the licence being awarded.

91 We also do not agree that there is sufficient weight to the argument that annual thematic reviews of individual elements of the recognition scheme is more effective or less burdensome than holistic assessment for relicensing on a less regular basis in the case of Access. In terms of burden, relicensing may have some advantages over methods such as annual thematic reviews as the assessment will be less frequent and also more predictable,

in that the scope of the assessment will never change.

92 As the regulator and trademark owner of a standalone qualification, our relationship with the Diploma and the risks associated with that are qualitatively different from the relationship of Ofqual to its regulated qualifications. We continue to consider time-limited licensing an appropriate management of that risk.

Other

93 Some respondents commented that they believe that the monitoring measures currently in place allow for sufficiently effective regulation and that relicensing is therefore unnecessary. A concern was also raised about the proposed timeline for relicensing, and lack of information about the process at this stage.

94 Additionally one respondent used their response to this question as an opportunity to suggest that QAA should publish a fee schedule to accompany paragraph 9 of the Licensing Agreement.

Response

95 QAA has articulated a clear rationale for the proposed changes to the Recognition Scheme and monitoring arrangements in the consultation and on this basis we consider that the proposed arrangements, including relicensing, will be more effective than those currently in place. As set out elsewhere in this response, we maintain that time-limited licences are a useful and reasonable use of the methods we have available to manage regulatory risks. Monitoring and Licensing arrangements, respectively, will be set out in regulatory documents.

96 In respect of a fee schedules, it is not our intention to charge existing AVAs to renew their licence. However, new licensing applications and other processes as currently set out in our processes may incur charges and we can look to highlight what the rates for these may be in updated guidance. We will continue to update guidance on fees determined annually on an annual basis and share associated information about student registrations as soon as practicable.

The Access to HE Conditions

We asked respondents whether they had any comments regarding the Access to Higher Education Conditions we are proposing to implement as part of the revised Recognition Scheme.

97 Responses to this question included a broad range of general comment as well as detailed suggestions for amendments to the Conditions. Below we have sought to analyse broader or more generalised comments under themes, and address comments relating to specific amendments separately.

General comments on the Conditions

98 A number of responses to the proposals for the Conditions in general were supportive. Respondents particularly welcomed the move to a principles and outcomes-based approach. One AVA respondent noted that the proposed conditions mostly aligned with their current operation and anticipated minimal short-term adjustments to ensure continued compliance.

99 However, several AVAs noted that they felt unable to comment in full because of a lack of detail in the Conditions and associated guidance, including information about how compliance will be assessed. Without this information, it was the impression of respondents

that a reduction in burden will not be achieved and that the new Conditions will introduce increased monitoring with more stringent requirements, for example to provide information within short deadlines such as five working days. Two respondents queried the meaning of 'five working days'.

100 Some respondents expressed their impression that the requirements were more prescriptive compared to the existing licensing criteria, and that they could lead to a reduction in autonomy and flexibility for AVAs. One respondent suggested that there was little change between the Licensing Criteria and the proposed Conditions and that the new Conditions continued to represent a rules-based system.

101 It was suggested that the Conditions contained excessive repetition throughout the document, and in relation to other documents in the Recognition Scheme, such as the Grading Standards and Diploma Specification. It was noted that such repetition would cause AVAs to spend unnecessary time cross-referencing to ensure all requirements are met.

102 One comment indicated concern that the Conditions implied that AVAs would be responsible for incidents occurring at providers in relation to their physical premises, citing the lift not working as an example.

103 It was also suggested that Part 3 of the Conditions should take account of, and reference, the *Equality Act*.

Response

104 We expect it to be the case for most AVAs that, if they are able to comply with the requirements of the Licensing Criteria, they will continue to comply with the proposed Conditions with minimal additional changes. This is with the exception of a small number of additional requirements (for example, the requirement for a strategic statement). This means that for AVAs who are satisfied with their current operation with respect to Access to HE Diplomas, the burden of transition is minimised. However, where AVAs wish to make changes they are free to do so provided the outcome continues to satisfy the requirements.

105 We do not consider that the Conditions are more prescriptive than the Licensing Criteria. Where detail is given in respect of, for example, timeframes for the provision of information, this is with the intention of setting clear expectations for both QAA and AVAs to ensure that reporting is effective and timely. Setting deadlines for information which relates to matters such as student protection for example, as set out under Condition A4, does not equate to rules-based regulation.

106 For clarity, 'working days' in the Conditions refers to the normally accepted working week of Monday to Friday, excluding public holidays and other occasional closure days as notified by QAA.

107 QAA acknowledges the comments from respondents concerning the lack of accompanying guidance available at the time of consultation, having addressed the concern at our webinar events during the consultation period. Where respondents state they are unable to comment in full because of the lack of additional guidance, we are interpreting this as a misunderstanding of the nature of the Conditions which are a constituent part of the fundamental requirements which make up the Recognition Scheme, and against which any decision regarding the licence of an AVA can take place. Because of their significance in this regard, under QAA's governance arrangements it is necessary for changes to the framework of the Recognition Scheme to be approved by QAA's Board. Rather than adding further requirements, guidance documentation provides additional advice and guidance on interpreting and meeting these requirements or outlines specific requirements which may be subject to change from time to time, but do not in themselves require Board approval (for example, a data specification or deadlines). For this reason, we are consulting on the

Conditions and it would not be practical or appropriate to publish draft guidance which presupposes the outcome of the consultation.

108 It is our intention that the guidance will provide further, transparent information on compliance which will be supportive to AVAs and other stakeholders. This will cover a broader range of compliance topics than is currently available under the existing arrangements and we hope that this will reduce burden for AVAs.

109 At various points the proposed Conditions replicate some information that is currently held elsewhere in the Recognition Scheme. This is because we consider that it is more appropriately placed in the Conditions and, as a consequential amendment following consultation, these requirements will be removed from other documents upon re-publication of the complete framework. For example, the requirements in respect of student registration will no longer be situated in the Diploma Specification and instead form Condition A7. This will not affect, in practice, the continuation of requirements currently recorded in other documents of the Recognition Scheme. In other places where some repetition may be apparent in terms of phraseology, we suggest that this is for the sake of clarity and nuance, as opposed to wholesale repetition, and to ensure the requirements can be applied and enforced in practice.

110 In respect of the concern that the Conditions place responsibility on the AVA for the provider's premises, it is not clearly apparent how this has been interpreted from our Conditions and this is not the intent. Furthermore, the requirement to have regard to the *Equality Act 2010* is noted explicitly in Part 3 of the conditions under Condition D1.2 - 'Accessibility of Access to HE Diplomas'. This Condition relates to the equality of opportunity created within the design and delivery of learning, teaching and assessment rather than physical environment (see section on Condition D1.2 below for clarifications and amendments to this requirement). Nevertheless, we recognise that the latter may have a profound impact on a student's ability to succeed in their education. We expect providers of Access to HE Diplomas to fulfil their statutory obligations in strategically managing and maintaining their estates in a safe, functional condition, and to give due consideration to the *Equality Act 2010* in so doing. However, in terms of provider and course recognition, we do not require AVAs to make any explicit judgement on the management of a provider's estate beyond assuring that governance structures are in place to ensure the effective discharge of its responsibilities as an approved provider (Condition C1.1).

Remit

111 Some AVAs identified requirements in the Conditions which they considered to be outside of regulatory remit. Specific requirements were cited here, such as the strategic statement and financial viability, as well as more generally the requirement for the submission of information to QAA for approval which was considered to signify an overreach of QAA's authority and expertise.

Response

112 QAA does not and will not approve an AVA's financial position, and has not set out in its proposed Conditions that it is seeking to do so. Where we have used the word 'approve', this is in relation to what it is in our remit to approve which constitutes how the AVA meets the requirements of the Recognition Scheme. This currently appears in the proposed requirements in Condition A2 and is dealt with in more detail under the section 'Comments on Specific Conditions'.

Terminology

113 Some respondents queried the terminology used in the proposed Conditions. For example, a use of the term 'grade descriptors' instead of 'grading standards' was noted, as

well as the use of 'learners' and 'students' interchangeably throughout the document. One respondent also suggested that the use of the word 'reasonable' throughout the conditions was problematic because it is subjective and open to challenge.

Response

114 We have amended the Conditions to ensure that 'grading standards' and 'students' are used consistently throughout. We have chosen the term 'students' for the Conditions themselves because we consider this refers specifically to learners who are associated with enrolment on a particular course of study, whereas 'learners' is a broader and more encompassing term. For this reason, we have chosen to retain the term 'learners' in our definition of the Diploma. For clarity, all definitions have been reviewed and additional definitions have been included in the Conditions document.

115 We disagree with the suggestion that 'reasonable' is an inappropriate term to use in the conditions where reasonableness is a key consideration in making a proportionate judgement on the balance of evidence that an AVA has complied with requirements. This term also affords a degree of protection to AVAs insofar as it offers further grounds on which to challenge QAA's judgements. Noting that such language is appropriate in its context and a common feature of regulatory and legislative requirements, QAA does not consider that a change of term is necessary.

Eligibility to become an AVA

116 A small number of responses to this question suggested that an additional condition should be introduced which explicitly prevents universities from becoming AVAs. Reasons cited included a perceived lack of fairness in a situation where an AVA could not itself be a provider for the purposes of delivering Diplomas, but it had been interpreted that an HE provider could both deliver and award.

Response

117 The requirement that an AVA must not itself be a provider of Access to HE Diplomas or a receiver of Access to HE students applies to all organisations licensed as AVAs, and will continue to apply in paragraph 12 of the newer proposed Standard Terms (formerly "The Licensing Agreement"). It is not the case that we are proposing to allow any type of organisation to both deliver and award Diplomas, or to award Diplomas to students which it could then admit onto its courses as a provider. Any organisation can apply to become an AVA provided it is able to demonstrate it can comply with the Recognition Scheme and Conditions. On review of this term we considered that the term 'receiver' has the potential to cause confusion, so we intend to amend the clause as such:

- "An AVA must not itself be a provider of Access to HE Diplomas or an education provider that offers courses for which an Access to HE Diploma could meet the entry requirements."

Impact on providers

118 It was noted in the responses that some Conditions may have an indirect impact upon providers, although the respondent had no specific concerns. The respondent queried whether the Annual Statement of Compliance (Condition A2.3) would be shared with providers; whether providers would be informed of concerns regarding an AVA's compliance, citing Condition A6; and whether a provider would need to be made aware of an event reported to QAA under Condition B6 (Notification to QAA of certain events).

Response

119 We can confirm that an AVA's Annual Statement of Compliance will not be published.

However, where any regulatory intervention takes place on the basis of a declaration of non-compliance this would be published in line with other regulatory judgements (see paragraph 59 for further information). In relation to notifications to QAA, guidance about the events which AVAs must report will be made publicly available. We expect that AVAs will continue to make their providers aware of matters where there is legitimate reason, and it is appropriate or necessary to do so.

Comments on specific Conditions

Introduction

120 A respondent queried the description of the Conditions in this section, specifically where it is noted that an organisation wishing to become an AVA must demonstrate how it meets 'some' of the Conditions (paragraph 2.2 of the Conditions).

121 In relation to the principles of our regulation, in particular as set out in paragraph 5.2 "to support students to progress to and succeed in Higher Education", a respondent queried where oversight of the integrity of student recruitment and admissions processes sits within the requirements. A concern was highlighted in relation to situations where inappropriate advice and guidance might be to the detriment of students and have outcomes which run counter to this principle.

Response

122 In our description of the Conditions, we intended to capture that the ability to demonstrate that all Conditions are met may not be possible at the point of initial licensing assessment (for example, the conditions in Section B). In some cases, we might expect that a prospective AVA would be able to demonstrate a credible plan for how such requirements will be met on an ongoing basis at licensing where we consider it is proportionate and reasonable to do so, and this will be set out in guidance. We agree that the inclusion of 'some of' has the potential to cause confusion and have removed it from the Conditions.

123 Student recruitment and admissions has not in the past been addressed explicitly within the Recognition Scheme framework. However, QAA has published guidance on the subject for use by providers. This is because admissions decisions are made by Access to HE providers and QAA does not have a direct regulatory remit in this case. Some specific requirements about student registration by an AVA have been included in the Conditions – for example, Condition A7, and the requirement to ensure that providers have systems to ensure only students with a UK address are registered in Condition C1.1. There are also requirements on AVAs in our proposed Conditions to require the provider to market Diplomas and Diploma courses in a clear and transparent way (Condition C1.2). We continue to be satisfied that providers are best placed to provide the appropriate information, advice and guidance to students. For clarity, and in the case where there are significant and obvious concerns in relation to the information available about admissions requirements, we have amended Condition C1.2 (requirement for an agreement between the AVA and provider), paragraph 40.2 as follows:

- "[the agreement should include provisions which] 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 appropriate entry requirements and funding status".

Condition A: Management, Governance and Strategy

Condition A1: Governance arrangements

124 Specific comments in relation to Condition A1 were positive, noting that the requirement is clear and will enable AVAs to act robustly and proportionately. The reduction in prescription and move to greater flexibility was welcomed.

Condition A2: Accountability

125 Again, the flexibility afforded by the proposed condition to allow AVAs to discharge their responsibilities appropriately was welcomed by respondents. In response to paragraph 8.6, one respondent commented that QAA's dissemination of monitoring outcome information would be welcomed and suggested the publication of a report.

A2.1 The Responsible Officer

126 A respondent expressed multiple concerns about the requirement for a Responsible Officer (RO). It was suggested that the requirement for the RO to normally be the most senior officer at the AVA was not within QAA's remit to require, and that the timeframe for notification of a new RO was too short. It was suggested that the use of the RO as a primary regulatory contact would result in reporting delays and that multiple strategic contacts should be used in addition to an RO. It was also suggested that the requirement for the RO to make statements that QAA will be entitled to rely on as being accurate could consequentially mean that any reporting not made by the RO would be permissible if inaccurate. The respondent queried whether the RO would be required to submit all information themselves, or be responsible for ensuring that this is completed.

A2.2 The Strategic Statement

127 While a respondent noted their opinion that the requirement for a statement appeared to be a positive and efficient way to demonstrate engagement from key stakeholders, comments on this requirement were largely critical.

128 Respondents who opposed the requirement suggested it should be removed and replaced with requirements such as having processes in place for strategic planning, the inclusion of Access to HE in a strategic plan, or a joint strategic statement to be issued between QAA and AVAs. Of particular concern was the requirement for the statement to be 'approved' by QAA and it was observed that this requirement is unlike requirements of other regulators. Respondents also noted concern about timescales, burden, commercial conflicts and lack of perceived benefit to students. Two respondents queried how frequently QAA expected AVAs to update or submit their statement.

A2.3 The Annual Statement of Compliance

129 A respondent suggested an amendment to the wording of paragraph 15.1 to read 'made in the format specified *on or before any set date* as may be notified by QAA'. The respondent also asked for assurance that the Annual Statement of Compliance would remain unchanged from the current requirement in the annual monitoring return.

Response

130 Condition A2 paragraph 8.6 requires AVAs to share relevant monitoring outcomes with providers where it will enhance Access to HE provision, including outcomes from both QAA and AVA-led monitoring processes. An example of a QAA monitoring process where this might apply is where recommendations have been made following an investigation of the AVA. There may be cases more broadly where we recognise trends across AVAs in our monitoring, the dissemination of which to all AVAs we consider would be of benefit. Further

detail of what likely compliant and non-compliant behaviour may look like in respect of this condition will be set out in guidance.

A2.1 The Responsible Officer

131 In requiring the most senior officer of the AVA to act as RO by default, QAA seeks to ensure that responsibility for the AVA's Access to HE Diploma operation sits with a suitably accountable person at the organisation. There is provision in the Condition that where appropriate this responsibility may reasonably be assigned to another individual at the AVA. This is by exception rather than default, so that where an AVA chooses to nominate an alternative officer QAA can assure itself that the person is suitable and the request reasonable and proportionate to the AVA's context. In response to the concern raised about the timeframe for notifying QAA of changes to the RO we shall amend the Condition to remove 'two working days' and replace with 'in line with the reporting timelines set out in guidance'. As currently, we expect to continue using a system of nominated strategic contacts to ensure that communications between the AVA and QAA are as effective as possible, however the ultimate responsibility for such communications sits with the RO as the primary contact, and in the case of absence clear arrangements must be in place. Further guidance as to who is required to sign off particular submissions to QAA will follow.

A2.2 The Strategic Statement

132 Further to our response set out above (paragraphs 34 to 37) to the comments made in relation to Question 1 about the strategic statement, QAA continues to consider that the requirement is appropriate in the form proposed. This is because QAA's relationship to the qualification is different from that of other regulators and qualifications currently offered in the UK. As the custodian of the Access trademark and name QAA has an interest in its strategic direction and reputation. Similarly, the continued success and strategic consideration of the Access to HE Diploma is central to QAA's values and commitment to ensuring that students experience the highest possible quality of education, and that high quality education, and access to it, is an intrinsic good. When fulfilling our charitable objective to provide advice to governments on the Access to HE Diploma, we consider that the strategic statement requirement will aid QAA in doing so, providing a key overview of strategy in relation to the Diploma across all AVAs.

133 Paragraphs 65-67 of the consultation cover the purpose and intent of the strategic statement, what we expect will be included in a statement, and why. As stated above, the manner in which this is approved through an AVA's internal processes is a matter for the individual AVA; QAA's approval relates to how we consider it meets the requirements of the Condition. It is correct that we have not claimed that the strategic statement will be of direct benefit to students, however, we do consider that having a coherent and consistent articulation of the strategy of AVAs in relation to Access will be of benefit to the collective strategic direction of the Diploma.

134 QAA expects that AVAs will submit a strategic statement for review alongside a licensing or relicensing application, or at any time in between that a significant change is made. While we may consider it a concern where a statement does not appear to be effectively or accurately updated, we do not intend to require AVAs to undertake significant additional work outside of their normal processes in order to meet this condition. As this condition replaces a number of Licensing Criteria which impose a requirement for strategic planning in relation to Access to HE, we expect that AVAs already engage in activity which will support them in meeting the new condition. Additionally, although we expect that the AVA's statement will be submitted at the point of licensing, it is not necessary that the AVA must align its own strategic review cycles with licensing and is free to update the statement

and notify QAA of the change at any time.

A2.3 The Annual Statement of Compliance

135 We do not see sufficient justification to amend the wording of Condition A2.3 in this case. While the Condition itself sets out the baseline requirement to be met, the arrangements for the statement of compliance will be set out in guidance. This includes details such as the date of submission, which may be subject to change from time-to-time, whereas the requirement of the Condition will not. It is currently our intention that this will continue to be submitted with an annual monitoring return, although aspects of the format will likely be adjusted to reflect the changes to the Recognition Scheme, i.e. what the AVA is confirming compliance with. Similarly, the timing of the annual monitoring return in future may be changed to reflect changes in what information we request and when. For example, we currently intend to move to a single annual submission and anticipate that the timing of this will be adjusted to ensure that AVAs have sufficient time to collect the relevant information.

Condition A3: Finance and Resources

136 Two respondents offered detailed comments on Condition A3. One respondent commented that the Condition is more prescriptive than existing requirements, observing that similar requirements for other regulatory bodies are more principles-based. The other respondent provided detailed comments on two elements of the Condition. These comments included reference to the use of 'reasonable' (see also paragraph 115 above).

A3.1 Ensuring the ability to develop and award the qualification

137 One respondent requested clarification about the term 'resources' and suggested the use of 'reasonable' introduced subjectivity to regulatory judgements thereby making them open to challenge. See also paragraphs 115 and 139.

A3.2 Ensuring financial viability

138 The same respondent queried the need for this Condition, suggesting it duplicated Condition A3.1 - 'ensuring the ability to develop and award the qualification'. They also note challenges for AVAs in committing to ensure they have sufficient financial resources until at least the time at which every learner enrolled has had an opportunity to complete. The respondent suggests it to be a disproportionate response to following an incidence of an AVA market exit and states it is more important that AVAs have plans in place to allow for timely and effective transfer of students should provision cease.

Response

139 We consider the Condition is no more prescriptive than current licensing criteria and aligns to other regulators' requirements. The two elements of this Condition reference general resources such as staff or buildings, for example (ability to develop and award the qualification), and finances (financial viability). Therefore, we consider there is no duplication. As noted at paragraph 115 above, we disagree with the suggestion that 'reasonable' is an inappropriate term to use in the conditions where reasonableness is a key consideration in making a proportionate judgement on the balance of evidence that an AVA has complied with requirements, noting that such language is appropriate in its context and a common feature of regulatory and legislative requirements. In response to the comments received no changes are proposed to this Condition. Further detail of what likely compliant and non-compliant behaviour may look like in respect of this condition will be set out in guidance.

Condition A4: Identification and management of risk

140 Detailed responses were received from three respondents. Respondents commented

on the potential for variability in contingency plans between AVAs, suggesting there was the potential for a lack of clarity in some contingency plans when being used in an emergency. They queried whether additional guidance from QAA would be available. Other respondents commented on the requirements with regards to reporting to QAA, one suggesting the requirement was covered under Condition B2 'notification to provide information to QAA', the other suggesting that the need to report to within five working days should be amended to 10 working days.

Response

141 We do not consider there to be duplication with Condition B2. This is because Condition A4 relates specifically to an AVA's risk assessment activities, including those relating to the protection of student interests arising from business failure or withdrawal of course or provider approvals, whereas Condition B2 requires AVAs to respond to a written notice from QAA for the purpose of performing monitoring activities, specifically any function in relation to the operation of the Recognition Scheme. Further detail of what likely compliant and non-compliant behaviour may look like in respect of this condition will be set out in guidance.

142 We consider of particular importance QAA receiving information requested on a timely basis with regards to risk assessment activities undertaken by AVAs in order to protect student interests. Receipt of this information within five working days allows QAA to make its own assessment of a situation and inform decisions about any actions needed in support of an AVA and the students registered for its awards (see also paragraph 106 above for a definition of 'working day'). We will therefore not be amending this condition in line with the suggestions given.

Condition A5: Complaints and Appeals

143 One respondent made detailed comments on Condition A5. The respondent suggested that an additional statement should be included in the Condition for AVAs' documentation to include that students should have exhausted their provider appeals and complaints processes before contacting their AVA. The respondent also sought clarification about who the 'relevant organisations' cited in the condition are. The comments also state the inclusion of 'legislative provisions' is too broad and examples are needed.

Response

144 Under the principles-based regulation, whereby opportunities are provided for AVAs to operate flexibly and in a manner which benefits their own individual contexts as businesses, we consider that AVAs are best placed to determine how best to manage Complaints and Appeals to meet the needs of their students and providers. We consider that what is included in AVAs' Complaints and Appeals documentation, and the processes followed, should be set by the AVA and not detailed in the Conditions.

145 In response to the request that examples of legislative provisions are included we disagree with the suggestion and therefore no changes will be made to this Condition. This is because legislative provisions in relation to this matter may be context-dependent and it would therefore not be practical to list them within the Condition. We recognise the importance of providing clarity within the Recognition Scheme with regards to the Conditions and further clarity along with detail of what likely compliant and non-compliant behaviour may look like in respect of this Condition will also be set out in guidance.

Condition A6: Compliance with regulatory requirements

146 Responses were received from two respondents specifically with regards to Condition

A6.1. One respondent welcomed the clarification included in Condition A6.1 of what constitutes a Regulatory Document. However, another stated the inclusion in Condition A6.1 that '[a guidance document] produced and issued by QAA and indicated as being a Regulatory Document' had the potential to reduce clarity.

147 No comments were recorded against Condition A6.2: Access to HE trademarks.

148 A general comment was received with regard to an AVA's compliance with regulatory requirements, stating that providers would need to be informed of such concerns. This is also discussed at paragraphs 49, 59 and 89 above.

Response

149 The comments are welcomed, and in response to the concern raised with regards to clarity for users of the Regulatory Documents and QAA guidance we confirm that any guidance document relating to the Recognition Scheme as produced and issued by QAA will clearly be identified at the beginning of every document.

150 We do not propose any changes to Condition A6.1 in response to these comments. However, while no comments were received with regards to Condition A6.2, we have considered on review that an amendment to the wording of this condition is necessary. This is to include use of QAA's compliance marks and reflect changes to the name of the Regulatory Document which concerns the use of QAA's Access to HE trademarks and compliance marks. The revised wording of Condition A6.2 will be:

- 'An AVA must ensure that it uses the Access to HE trademarks (Access to HE logo, recognition mark and wordmarks) and compliance marks in line with the requirements specified in the *Access to HE trademarks and compliance mark Regulatory Document: Requirements for Access Validating Agencies*.'

151 In response to the request for information to be shared about concerns relating to an AVA's compliance with QAA's regulatory requirements, as noted at paragraph 49 and 50 we confirm that relevant information will be published and publicly available.

Condition A7: Student registration

152 Four comments with regards to Condition A7 were received from three respondents; two respondents specifically comment on the move of registration requirements from the *Access to HE Diploma Specification* to the Conditions; comments relating to perceived duplication between the Conditions and other elements of the Recognition Scheme (also considered at paragraph 108 of this document) were also noted. Of the two specific comments, one welcomes the move, while the other states the condition duplicates the Diploma Specification and observes the Diploma Specification is easier to change than the Conditions.

153 One response relates to differences in funding arrangements for students registered with providers working in Wales and funded by the Welsh Government. The respondent states for the purposes of funding students funded by the Welsh Government are classified as 'withdrawn non-starts' within eight weeks (56 days) of their start date. Condition A7 requires that students are registered with an AVA no later than six weeks (42 days) from the student start date which aligns with 'withdrawn non-starts' classifications in England. The respondent states the disparity negatively impacts on the reliability of data related to Access to HE provision delivered by providers in Wales, particularly with regards to retention and achievement. It was remarked that this has the potential to impact AVAs' apparent performance in relation to the Recognition Scheme, and quality assurance activities and

assessment of provider risk.

154 A respondent commented there is the potential for a student to study more than one Diploma and therefore study more than 60 credits overall. They suggest an amendment to the condition to specify the requirements relate to a maximum per Diploma.

Response

155 We can confirm there will be no duplication with the *Access to HE Diploma Specification* as the individual requirements will be removed from the Diploma Specification and appear only in the Conditions, specifically:

- the deadline for student registration with the AVA (see also the revised text below – paragraph 157)
- the deadline for individual student unit registration with the AVA
- students can be registered and certificated to a maximum credit value of 60
- students can be 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.

156 We consider these changes will support users of the Regulatory Documents; this change was supported by a respondent to the consultation.

157 Having considered carefully the comments relating to registration deadlines for students studying with providers in Wales, we agree that Condition A7 will be amended to reflect different registration requirements of the funding bodies in England and Wales. The revised Condition will state:

- "[An AVA is responsible for ensuring that students... are] 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, or eight weeks (56 days) for students studying at a provider in Wales or in receipt of Welsh government funding

158 While recognising that some individuals may start more than one Access to HE Diploma, we consider the wording of Condition A7 is clear that the maximum credit value of 60 credits relates to a single iteration of the Diploma. Furthermore, we confirm the Condition does not stop students from starting more than one Diploma or transferring between Diplomas. Therefore, we do not propose making changes to this element of the Condition.

Condition B: Monitoring and Information Provision

Condition B1: Notification to QAA of certain events

159 AVAs generally commented that they would find examples of events that QAA deems notifiable helpful in determining what should be reported and what should not. One AVA stated that other than the need for examples, the Condition seemed clear. Another commented that the proposed guidance would itself need to be very clear. One AVA expanded that the definition within paragraph 68 of the consultation document should be included within the Condition. They noted QAA's intention to provide further guidance and its utility in aiding interpretation and consistency of reporting across AVAs but appreciated that any given examples could not be exhaustive. They observed that Ofqual's General Condition of Recognition B3 (Notification of Certain Events) might provide a useful exemplar. One AVA sought clarification as to whether providers would also need to be made aware of notifiable events.

160 Concern at the lack of specific guidance and examples within the consultation was again raised, as well as the utilisation of the term 'reasonable'.

Response

161 As previously set out, because we are consulting on the Conditions themselves it would not be practical or appropriate to publish draft guidance that presupposes the outcome of the consultation (see paragraph 107). It is our intention that the guidance provides a range of examples of likely compliant and non-compliant behaviour, including events which we consider will be always notifiable.

162 The term 'reasonable judgement' will be retained for the reasoning set out elsewhere (see paragraph 115) and given the context of this condition which requires an assessment of current risk to compliance and also of potential impact and risk to compliance moving forwards. The wording of Paragraph 68 of the consultation document provided a definition of a notifiable event. This was a near verbatim extract of Condition B1 of the Access to HE Conditions so we do not consider any further action is necessary in this respect.

163 All guidance on what constitutes a notifiable event will be publicly available. There will be no requirement on the part of QAA or AVAs to share information with their providers except for where there is direct impact and mitigating action is required.

Condition B2: Notice to provide information to QAA

164 Most respondents did not make specific comments in relation to Condition B2. One AVA commented that information relating to a complicated matter that is not easily resolvable may need updating. They went on to also suggest that if the term 'reasonable' is retained within the Conditions, this might be an area where it is used to allow a reasonable timeframe for information to be collated and shared. They felt QAA should be required to give a reason for their information request and state how the information will be used.

Response

165 The proposed wording of Condition B2 will be retained. AVA agreements with providers should contain provisions for effective scrutiny and it should therefore be possible for AVAs to return relevant and accurate information upon request. We accept that it is often the case that events may unfold over time, or that there may be a need for further checks and analysis to ensure the validity and reliability of information and the interpretations and inferences drawn from it.

166 Use of the term 'reasonable' has been previously discussed. It is not used within Condition B2 because in order to respond to external obligations and timeframes there may be occasions during which QAA and AVAs will need to work together to expedite information that is necessary due to statutory or other obligations. Reasonableness is therefore not a consideration in this regard where proportionality, which governs our approach in general rather than the condition itself, might be.

167 On the notification of any incident, QAA will give due consideration to the proportionality of its requirements for further information and, as is the case now, QAA will be amenable to discuss this with the AVA where appropriate. Likewise, we are mindful of the administrative burden that information requests place on AVAs, and requests will be made only where there is a clear rationale. The overall intention is one of close liaison between QAA and AVAs so that incidents can be resolved effectively.

Condition B3: QAA monitoring of AVAs

168 Most respondents did not make specific comments in relation to Condition B3. One AVA commented that, overall, the Condition seemed clear but that it would be useful to have

further information on timescales and reporting requirements. A second AVA also asked for sight of the proposed additional guidance in order to provide an informed response, particularly with regard to GDPR implications. They also highlighted the need for clarity around arrangements for meetings – how much warning would be given, where would they take place given the cost implications.

169 One AVA argued that Condition B3 did 'not appear to fit the stated aim of reducing bureaucracy' and that the proposal 'feels excessive to us and certainly not in the spirit of a 'partnership' approach'.

Response

170 We will issue all relevant guidance to AVAs by early Summer 2025. Ahead of the finalised guidance being issued we intend to give AVAs the opportunity to engage with draft versions to note any questions that they might have, although this will not be an opportunity to alter any of our determined approaches at that point.

171 While we will take a collaborative approach in devising guidance documents and act in partnership with AVAs on other specific projects (notably the promotion of Access, sector policy and liaison and qualification development) we need to be mindful that our relationship with AVAs is not one of partnership. QAA is the custodian of the qualification, meaning that we have an intrinsic interest in protecting the sustainability, future development and character of the Access to HE Diploma. This is heightened by our international reputation as an expert quality assurance body for tertiary education. We are also the regulator for the qualification with responsibility for the quality and adequacy of standards of student achievements on all Access to HE courses. We regulate to protect, first and foremost, the interests of students and the qualification itself. We monitor AVAs as part of our regulatory responsibilities for the Diploma.

172 The matter of burden and bureaucracy is covered from paragraph 38 and also contextually within the Monitoring Arrangements section of this report. While some elements of the present arrangements will remain in place, for example, the distinction between cyclical and more exceptional monitoring such as investigation, other elements represent a more purposeful and focussed approach to monitoring where additional scrutiny is warranted to protect the interests of the qualification and its students.

173 Since May 2018, the General Data Protection Regulation (GDPR) has required all organisations that process personal data to provide a privacy notice to data subjects. AVAs should continue to review their privacy notices regularly to ensure their ongoing ability to comply with their statutory obligations and also our quality assurance processes.

Condition B4: Information and data submission requirements

174 Most respondents did not have specific comments in relation to Condition B4. One respondent took the opportunity to reflect on current practice regarding the provision of information and the importance of understanding patterns of student enrolment, achievement and progression. They further queried how QAA monitoring activities would be used to determine an AVA's risk status and relicensing. An AVA questioned how student and course data would enable QAA to meet our objective for ensuring provision that is of high-quality for all Access to HE students and that supports them to access higher education. Another AVA questioned whether Condition B4 was necessary, and whether Condition B2 covered the same requirements.

175 One AVA stated that they broadly welcome QAA's direction of travel in terms of innovative principles-based regulation, but that they also have concerns as to how they will demonstrate compliance and where the judgement making process will sit. Specifically, they

suggested that there are Conditions that allow for interpretation and are subjective, giving B4 as an example.

176 One AVA stated that Condition B4 seemed clear, but that further information on specific reporting requirements would be welcomed. Another commented that guidance would be required in order for them to respond constructively. There was further comment from the same AVA on the use of the word 'reasonable'. An AVA also highlighted the need for accuracy given that student data needs to differentiate between 'Unknown' and 'Not provided' to protect students' legal right to not declare.

Response

177 QAA's stance is that data is simply factual information supplied in a usable format. We do, however, acknowledge the complexities of lawful collection and processing of data, and in using data to make reasoned and proportionate judgments and decisions. As is the case now, guidance will be provided on a submission-by-submission basis that will allow AVAs to plan ahead and integrate our requirements into their workflows and IT structures.

178 We acknowledge that certain elements of principles-based regulation may be new to some AVAs, and our guidance will need to provide a range of examples to demonstrate compliant and non-compliant scenarios to support this. Our approach will allow AVAs to demonstrate compliance in ways that suit their organisation, providers and students. However, we also need comparable metrics that allow us to identify areas of good practice and areas of concern. AVAs' data submissions allow us to determine specific national benchmarks for QAA-recognised Access to HE provision. These, for example national achievement rates and proportions of students achieving an all-Distinction grade profile, are shared with AVAs to support their evaluation of their provision. It also allows us to identify areas where questions are required of AVAs, either as groups or individually, about their monitoring of their provision in accordance with the Recognition Scheme. Provision of the data also provides evidence to demonstrate the success of the Diploma to governments and others, for example with regards to progression and supporting areas of skills need.

179 Both Conditions B2 and B4 are to be retained as proposed given that they serve different purposes. Condition B4 relates to regular data returns that give QAA and government agencies a quantitative overview of student numbers, progression rates and achievement rates across AVA, subjects and disciplines, demographic groups and other variables. Broadly speaking, this data supports the continuation of the Access to HE Diploma within the Level 3 landscape, and in some cases its provision is a statutory requirement. Condition B2 makes provisions for more responsive information requests that allow for more contextual data in relation to specific projects, enhancements or monitoring activities that are driven by QAA's commitment to sustaining and developing the qualification.

180 As is the case now, guidance for routine data collection and submission will be issued on a submission-by-submission basis. This will include details of data specifications which will include information about particular variables such as characteristic data.

Condition B5: AVA monitoring of records

181 There was a single response in relation to Condition B5 which covered a number of points. The respondent suggested that immediate updates to the Access database will not always be possible in the case of withdrawal of provider approval, and other updates could be more reasonably expected within 10 working days rather than the five stipulated. They further requested clarification on whether the timeline starts at the point that a change to a

course is approved, or when that change is implemented.

Response

182 The Access to HE course database is the definitive list of QAA-recognised Diplomas used for funding purposes and as such is essential in meeting QAA's objectives under the Articles of Association to provide information to governments about Access to HE qualifications. It is also QAA's primary tool for marketing the Access to HE qualification from its website. It is crucial that it accurately reflects the current Access offer at all times and consider that inaccuracies in the public domain undermine the credibility of the Access to HE Diploma, and furthermore cause concern in relation to consumer protection. We therefore are not changing the requirements with regard the speed with which the database must be updated. We have, however, clarified that in most instances updates can be made at the point of implementation as follows:

- "[The AVA is responsible for...] 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 being implemented or immediately if the change relates to the withdrawal of provider approval."

This will allow time between approval and implementation for AVAs to plan for database updates by appropriate staff.

Condition C: Provider and Course Recognition

183 One comment, noted at paragraphs 101 and 109 above, cited Condition C in reference to unnecessary repetition which the respondent stated adds to the regulatory burden being created. Specifically, within Condition C the comments referred to a number of statements on centre recognition, approval, etc., which AVAs would look to cross reference. The respondent suggested it would be more effective to require that AVAs submit relevant policies, thereby providing a checklist of what is required to be in place.

Response

184 As noted in paragraph 109 above and at various points, the proposed Conditions replicate some information that is currently held elsewhere in the Recognition Scheme. This is because we consider that it is more appropriately placed in the Conditions and, as a consequential amendment following consultation, these requirements will be removed from other documents upon re-publication of the complete framework. For example, the requirements in respect of student registration will no longer be situated in the Diploma Specification and instead form Condition A7. This will not affect, in practice, the continuation of requirements currently recorded in other documents of the Recognition Scheme. In other places where some repetition may be apparent in terms of phraseology, we suggest that this is for the sake of clarity and nuance, as opposed to wholesale repetition, and to ensure the requirements can be applied and enforced in practice.

Condition C1: Provider Approval

185 Detailed comments were received on the individual elements of the Condition as noted below. In the main, these related to requests for guidance and areas for clarification. These are detailed below.

Process for approval

186 No specific comments were received in relation to Condition C1.1.

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

187 Six comments were received from four respondents. The comments received referred to the following elements of Condition 1.2:

- a written enforceable agreement between an AVA and approved providers
- provider complaints and appeals procedures
- withdrawal of provider approval
- transfer of provider-developed Diplomas.

188 One respondent observed the requirement for a written enforceable agreement between an AVA and approved providers varied from existing licensing requirements and requested further guidance to facilitate compliance by AVAs.

189 A suggestion was made that the requirement for providers to operate an appeals and complaints handling procedure for the benefit of students be removed as it appeared to duplicate another Condition.

190 With regards to the requirements to 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, one respondent stated 'for each AVA' should be added to the Condition. Another respondent stated that the Condition affords an opportunity to strengthen sector-wide compliance through permitted cross-AVA information sharing.

191 Transfer of provider-developed Access to HE Diplomas or courses attracted two opposing comments. One comment welcomed the requirement that, by means of a condition of provider approval, the provider agrees that any Diploma or course that it develops cannot be transferred from one AVA to another. The other comment disagreed and suggested its removal; the respondent explains that its inclusion had the potential to hamper transfer of provision, where for example an AVA ceased trading, to the detriment of students. They also commented that it was unclear how this element of Condition 1.2 could be enforced and queried whether an AVA could claim a specific Diploma title as their own and therefore prevent its transfer.

C1.3 Confirmation of provider approval

192 No specific comments were received in relation to Condition C1.3.

Response

193 The requirement for a written enforceable agreement between an AVA and approved provider exists within the current Licensing Criteria and therefore reflects current practice within AVAs. All AVAs undertake provider recognition and approval processes and will have in place forms of agreement confirming approval to deliver QAA-recognised Access to HE Diplomas with their approved providers. We do not propose making changes to this element of the Condition. Further clarity along with detail of what likely compliant and non-compliant behaviour may look like in respect of this Condition will be set out in guidance.

194 Having considered respondents' comments, we do not consider there to be duplication with regards to requirements for providers to operate an appeals and complaints handling procedure for the benefit of students. This is because Condition C1.2 requires that through the process of provider approval and continuing compliance with those approvals, AVAs ensure that approved providers' complaints and appeals processes are operated for the benefit of students. Whereas A2: Accountability, and A5: Complaints and Appeals, relate to an AVA's oversight and implementation of its documented processes to manage Complaints and Appeals.

195 We recognise that some approved providers will work with more than one AVA. However, QAA's regulation extends to AVAs only, and specific regulatory activities and any interventions will relate to only one AVA at any one time. Having considered the comments

made we do not consider it necessary to change the wording to the element of Condition 1.2. However, the suggestion that sector-wide compliance could be strengthened by permitting sharing of information has been accepted. We therefore propose the following amendment to the text of this element of the Condition:

- "[The agreement should include provisions which...] establish a sanctions policy to be applied in the event that the provider fails to comply with these requirements including having in place arrangements that would permit the communication regarding any sanctions applied to be shared with third parties".

196 We understand the concerns raised by one respondent with regards to the prohibition of the transfer of provider-developed Access to HE Diplomas or courses. However, we note under provisions outlined in Condition D4, transfer of AVA-developed Diplomas and courses is permitted, thus facilitating transfer of provision in the event of an AVA ceasing trading as noted by the respondent.

197 It is noted that requirements for Diploma titles are specified in Annex A of the *Access to HE Diploma Specification*. The Draft Access to HE Conditions presented for consultation included definitions for an Access to HE Diploma and course as discussed above.

198 The rationale for querying whether an AVA could claim a Diploma title as its own and therefore prohibit its transfer was not explained. However, we can confirm that no changes are being made to the titling requirements and, as now, Access to HE Diploma titles may not be unique to a provider and/or AVA. The example given by the respondent was medicine. We note Access to HE Diploma (Medicine) is a title used by the majority of AVAs, it is also subject to compliance with the *Subject Descriptor for Medicine* meaning its content must meet the requirements of the Subject Descriptor document. We confirm that an AVA which has developed a Diploma or course with this title may, if it wishes, confer the Diploma and/or course(s) via transfer to another AVA. However, if a course provider has developed a Diploma or course with the same name it is not permitted to transfer the Diploma or course to another AVA. In the case of any transfer, and as required the proposed Condition D4, sufficient regard must be given to Intellectual Property rights. No change will be made to the wording of Condition C1.2 with regards to transfer of Diplomas.

199 Some changes to elements of Condition C1.2 are also proposed to improve clarity in response to general comments. These are noted below.

- 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 *appropriate* entry requirements and funding status
- set out the requirements with which the provider must comply *and continue to comply* in order to deliver Access to HE provision

200 Further clarity along with detail of what likely compliant and non-compliant behaviour may look like in respect of this condition will be set out in guidance.

Condition C2: Ongoing monitoring of providers

201 Three comments were received from one respondent regarding this condition.

202 The respondent requested clarification on 'performance' as noted in the Condition ('An AVA is responsible for having in place and implementing documented procedures for monitoring both provider performance...'), explaining that not all providers and students have the same starting point.

203 They also suggested rewording the condition, in particular paragraph 44 should end at 'Higher Education conditions'.

204 The respondent suggests the wording of the element of the condition with regards to student protections is too onerous, stating '...AVAs can only mitigate the potential impacts of provider failure.' Furthermore, they suggest the Condition as written has the potential to damage student interests.

Response

205 Having considered the comments in detail we consider it is important for an AVA to be able to evidence how a provider complies with the requirements of the AVA's centre agreement. In this context the 'requirements' detailed in paragraph 44 could be interpreted as referring to those areas identified in paragraph 43, thus enabling the AVA to demonstrate how it enforces the requirements in practice. To this end, Condition C1.2 paragraph 40.3 has been amended to clarify that the requirements of the centre agreement are enforced in practice and on an ongoing basis by the AVA as noted above.

206 We have reflected on the request to reword paragraph 44 and propose this is reworded as follows:

- '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 *and monitoring procedures*.'

207 With regards to the concerns raised about AVAs' ability to only mitigate potential impacts of provider failure, we accept there are reasonable limitations to what student protection measures can be in any given situation. We recognise that for publicly funded providers the processes and requirements of funding bodies, for example, will need to be taken into account. Nevertheless, AVAs can be expected to have measures in place to mitigate potential impacts for students should the need arise. We note that a key consideration of effective risk management is the mitigation, rather than elimination, of risks.

208 Furthermore, we do not see that the requirement to monitor providers on an ongoing basis, including the consideration of student protection measures, has the potential to damage student interests and we disagree with this suggestion. Provider agreements should be monitored on an ongoing basis and enforced where necessary to ensure that all relevant parties', including students', interests are maintained in practice.

209 In response to the suggestion that sector-wide compliance could be strengthened by permitting sharing of information an addition has been made to Condition C2 as follows:

- Where an AVA imposes a sanction in line with the preceding Condition it shall promptly notify any other AVA with which that provider is also offering Access to HE Diplomas.

Condition D1: Development of Access to HE Diplomas

D1.1 - Compliance with the Recognition Scheme

210 We received only one comment in relation to Condition D1.1. The respondent (an AVA) stated 'We do not see the need for these Conditions and would suggest the Specification is sufficient'. They added that removal of this Condition would mean that future iterations would be easier to implement without full review. They felt that D1.1's inclusion was a duplication.

Response

211 We disagree with this viewpoint. The Access to Higher Education Conditions are the conditions an AVA must continue to meet once it has successfully been awarded an AVA

licence. The Diploma Specification, Grading Scheme and Subject Descriptors set out the requirements for the design, delivery, assessment and award of the Diploma. Condition D1 imposes an obligation on the part of the AVA to ensure that any provider it approves and any Diplomas it validates comply with the requirements of the qualification requirements.

D1.2 - Accessibility of Access to HE Diplomas

212 We received responses from two AVAs in specific reference to Condition D1.2. The first asked for more guidance from QAA on the differentiation of roles between AVAs and providers to ensure each party appropriately monitors and makes reasonable adjustments across the design, delivery, and assessment of the qualification. The second commented that it might be prudent to remove reference to specific legislation in favour of a more generic reference to 'relevant equality legislation'. They went on to note that not all data on protected characteristics is collected and it would place a significant additional burden on AVAs and providers if this became a requirement.

Response

213 Our guidance will make it clear that AVAs need to monitor their Diplomas to ensure that learning, teaching and assessment is accessible and do not disadvantage learners with protected characteristics. To support clarity in this, we will add to the Condition as follows:

- "As an awarding body, an AVA must ensure that the content, structure and delivery, *in as far as it is responsible*, of an Access to HE Diploma complies with relevant provisions of the *Equality Act 2010*.¹"

214 To reiterate, our Conditions relate to the equality of opportunity created within the design and delivery of learning, teaching and assessment rather than physical environment. Nevertheless, we recognise that the latter may have a profound impact on a student's ability to succeed in their education. We expect providers to fulfil their statutory obligations in strategically managing and maintaining their estates in a safe, functional condition, and to give due consideration to the *Equality Act 2010* in doing so.

215 We wish to be clear on the frameworks of reference we are using in this case, and to that end we intend to be specific in relation to current legislation. While wholesale changes to the meaning or function of the Recognition Scheme would require QAA Board approval, smaller updates to maintain the accuracy of the documents would not, should this legislation change significantly.

D1.3 - Modifications to units and Diplomas

216 Four AVAs commented on the provisions made by Condition D1.3. One felt that reference to the *Consumer Rights Act* is not warranted. Another sought clarification on how modifications to units and Diplomas should be communicated to students (specifically, whether only registered students should be informed, or students in general). A third also sought clarification on communicating changes, given AVAs communicate directly with their providers, and the students' relationship is with their provider. A fourth AVA posed a question elsewhere within their consultation response that is relevant here: they were keen that we retain extant definitions of major and minor modifications as this would facilitate consistency across AVAs.

Response

217 The *Consumer Rights Act 2015* concerns itself with the rights of UK consumers, including students who have purchased a service (the provision of education) under

¹ www.legislation.gov.uk/ukpga/2010/15/contents

contractual agreement. Under consumer law, students can, for instance, expect clear and timely information about their course, and fair and balanced terms and conditions. It is a statutory obligation that providers adhere to the provisions of the *Act* and we consider that AVAs procedures should therefore have regard to this and ensure that their procedures properly manage change and the flow of information to students. It is important that AVA's procedures for modifications to units and Diplomas ensure that providers are able to discharge their duties to students in relation to their contractual obligations and the provisions of the *Act*.

218 As we noted in paragraph 42 the opportunities for recourse afforded to adult Level 3 students are less than those afford to younger students or those studying HE. It is therefore incumbent on QAA as the regulator of the Diploma to ensure to a high degree of confidence in Access standards.

219 Our definitions of major and minor modifications have not changed, and we will include these in guidance documents, the content of which is contingent upon the outcome of this consultation. We will also include guidance on how and when to share information with students in this documentation. We agree with the overall sentiment of the AVA's responses, which were around consistency across AVAs and provision.

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

220 Five AVAs submitted comments in relation to Condition D2. It was apparent from these that although we are not proposing changes to the validation and approval definitions and requirements per se, our articulation of those requirements has changed. This has caused AVAs to question their current approaches and suitability moving forwards.

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

221 We received comments concerning condition D2.1 from three AVAs. Two AVAs were seeking clarification on the process for a provider seeking approval to run a course based on an AVA-developed Diploma. One AVA was concerned that the Condition appeared to require that a validation panel would be needed to approve a course, observing that this could be 'extremely burdensome' to both the AVA and provider. The other AVA stated that: "throughout the conditions, the validation and approval of 'Diplomas' and 'Courses' seem to be treated equally and as though they are the same activity. We are unsure how this will work in practice". One AVA additionally asked for a rationale for the inclusion of D2.1 within the Conditions.

222 One AVA asked us to reconsider our use of the word 'members' given that it is used in a specific, unrelated, context within several AVAs. One AVA commented that paragraphs 55 through 57.2 seemed to contradict the definitions outlined in earlier sections of Condition D2.1.

D2.2 - Revalidation of an Access to HE Diploma

223 We received no specific comments in relation to Condition D2.2 and therefore no changes are proposed.

D2.3 - Quality assurance

224 We received three comments in relation to Condition D2.3. One respondent asked for clarity concerning whether it related to the quality of the provider or the quality of the Diploma. An AVA asked whether they would need documented quality assurance procedures for providers who are not subject to external inspection, even if they do not have such providers. Another AVA asked whether the Condition also applied to international providers.

Response

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

225 Condition D2.1 will be amended in several ways to improve its clarity in response to comments made by the AVAs.

226 Our focus has been on paragraph 58 of the consultation document: '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.' We acknowledge that this original wording appears to conflate validation and approval processes for AVA-developed Diplomas, and will seek to address this as they are distinct processes, with course approval (at provider level) occurring after validation of a Diploma or course. This distinction needs to be clarified in order to draw out the difference between this clause and others that focus on provider-developed Diplomas. We will therefore amend the condition as follows:

- "Where an approved provider is seeking approval to run Access to HE courses based on an AVA-developed Diploma, course approval procedures and criteria must ensure the provider is able to deliver such courses in accordance with the specifications and requirements of the validated Diploma."

227 A small but important change includes substitution of 'a panel of members' to 'a panel whose membership'. This makes a clearer distinction between AVA members and those people who convene as a validation panel's membership.

228 We have also reviewed paragraphs 55-57.2 and are confident that no contradiction exists. These clauses of Condition D2.1 require that AVAs have documented procedures and criteria in place for the validation of Diplomas through an experienced and expert panel. This occurs prior to course approval for delivery by one provider, or course approvals for delivery by multiple providers. The use of terminology here is commensurate with the definitions provided.

D2.3 Quality assurance

229 Where an AVA does not have agreements with providers who are not subject to external inspection, AVAs will not be required to have a documented procedure for the quality assurance because we do not consider that this would be proportionate. If they were to begin working with such providers, we would expect a procedure to be developed.

230 We would expect quality assurance procedures to encompass the complete Access to HE student journey from marketing and recruitment to final award and progression. This requirement relates to the delivery of Diplomas by providers in line with their ongoing validation. For example, standardisation activities such as moderation are one part of the quality assurance procedures that an AVA should have in place. Judgements in this regard will typically focus on the quality of the Diploma itself, although the quality of a provider will inevitably impact on this.

231 We have also amended the wording of the condition to remove 'both' from the condition. The revised wording is:

- "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[...]".

232 Only providers with a main base in the UK can currently deliver Access to HE qualifications, and only students with a UK address can be registered to study an Access to HE Diploma. This is the case for the current criteria in operation and also our proposed

arrangements for the domestic qualification under Condition C1.1. A separate requirement for quality assurance would apply to an international provider which the AVA approves to deliver the International Access to HE Diploma. While detail will be set out in further consultation, we would expect that quality assurance measures in this case would also account for the need to take additional assurance in the absence of external inspection where applicable.

Condition D3: Provider and Diploma withdrawal

D3.1 Withdrawal of an Access to HE Diploma

233 We received a single response in relation to Condition D3.1. An AVA stated: 'This appears to contradict previous Conditions. We are unsure how we could meet this Condition if we cannot share with other AVAs.'

D3.2 Provider withdrawal

234 We received no specific comments in relation to Condition D3.2.

Response

235 It is not clear in the absence of detailed information why the AVA understood there to be a contradiction with previous Conditions. We would not expect an AVA would ordinarily need to communicate that it is withdrawing a Diploma with other AVAs, although our requirements do not prevent it from doing so if it sees fit to. Where a Diploma is being withdrawn or taught out specifically in the case of provider transfer, requirements are set out separately in relation to this.

Condition D4: Diploma and course transfers

236 Four respondents from AVAs contributed comments on this Condition.

237 One AVA noted that Condition D4 represents a significant change from previous Licensing Criteria and will require AVAs to operate differently. Another AVA stated that they 'welcome the inclusions that any Diploma or course developed by a provider cannot be transferred to another AVA'. In contrast, a third AVA stated that, in their opinion, Condition D4 could introduce barriers to provider mobility between AVAs. They stated that the current arrangements allow providers to move between AVAs easily, which promotes competition and drives up quality. They argued that 'restricting' the transfer of provider-designed Diplomas could discourage providers due to the workload and time involved. They added that requiring AVA consent to transfer Diplomas could lead to 'vindictive behaviour, where AVAs block or overburden providers seeking alternative services'. The fourth AVA felt that the new Condition would not be conducive to a collaborative approach between AVAs and had the potential to lead to legal action between AVAs.

238 One AVA said that the wording of paragraph 70 ('sufficient regard to Intellectual Property law') lacked clear direction on fair implementation and asked for more guidance to prevent negative behaviour. A second AVA asked for contextual information and a rationale for the new Condition, suggesting that QAA owns all intellectual property for the Access to HE Diplomas and courses anyway.

239 One AVA stated that we had been unclear within our proposals as to why provider responsibilities are contained with the Conditions for AVAs (paragraph 69 Provider-developed Access to HE Diplomas and courses). Another asked us to ensure that we provide guidance to cover paragraph 70 (AVA-developed Access to HE Diplomas and courses) to clarify the difference between AVA and provider responsibilities. They went on to state that the unintended consequences of these Conditions as currently drafted mean that learners will be disadvantaged, particularly if an AVA disappears quickly either by ceasing to

exist or exiting provision.

Response

240 QAA owns the Recognition Scheme for the Access to HE Diploma, including the Diploma Specification and trademarks. Where our Specification is used to develop a Diploma or a course, the intellectual property (IP) for that Diploma or course and its constituent units belongs to whoever developed it – whether that be an AVA or a provider. Intellectual property relating to course materials devised to support the delivery of a course belong to the provider unless other agreements are in place.

241 Both consideration of and sufficient regard to the legal requirements around IP is important in the transfer of providers and Diplomas. Inclusion of Condition D4 attempts to address this, although litigation between AVAs is not a concern of QAA or the Recognition Scheme provided that the individual AVAs are compliant with the Recognition Scheme. However, proper consideration of and regard to IP law may have the effect of reducing the need for litigation between AVAs. Likewise, it is not within the scope or stated aim of the Conditions to encourage a collaborative approach between AVAs.

242 We disagree that the new provisions will create barriers to provider mobility between AVAs. We argue that requiring a provider to actively withdraw a Diploma from its former AVA and validating with their new AVA will create more stability for students and will not inhibit providers from changing AVA. There is no requirement for a provider to deliver all its Access provision with a single AVA, therefore no barrier to effective arrangements for withdrawal and teaching out of courses. The new Condition allows for more transparent arrangements.

243 Finally, we have taken on board feedback in relation to the way in which we have articulated AVA responsibilities and amended the wording of paragraph 69 to clarify that it is the AVAs who have responsibility for ensuring that providers undertake to properly withdraw from one AVA and validate with another. A requirement has also been added to this condition to notify the receiving AVA of any provider sanctions in place at point of transfer (see also Condition C1):

- "[The AVA must ensure that] where a provider wishes to move its Access to HE provision from one AVA to another, [the provider makes] arrangements to withdraw its provision from the current AVA and undertakes a provider approval and validation process with the new AVA."
- "Where an AVA has imposed a sanction on a provider in line with Condition C2 at the point of transfer, it shall notify the receiving AVA of this sanction."

244 Our overall intention is to clarify, for all parties, the mechanism of Diploma and course transfer and the division of responsibility so that whatever the circumstance, including unanticipated exit from the market where the experience of registered learners is paramount, due process is followed effectively and efficiently.

Condition E: Setting, delivering and moderating assessments

245 This section received a number of comments from six respondents. Some comments reiterated the need for guidance and perceived repetition. The comments are considered in detail under the individual Conditions.

Condition E1: Operationalising standardisation and moderation

246 One respondent queried specific operational details of how QAA will monitor the requirement for AVAs to ensure moderators' engagement with assessment and grading decisions before a student has completed 30 credits of study. They cite the need for careful planning to facilitate maintenance of standards without increasing costs, especially where roll-on-roll-off provision is offered.

Condition E2: Assessment design

247 Comments were received from four respondents with regards to the roles of AVAs and providers in assessment design. The comments noted a lack of clarity about the role of AVAs in the design and setting of assessments. One respondent suggested an addition to the Condition to improve understanding. However, all respondents referenced the importance of an AVA's role, through its quality assurance processes, in ensuring the content of assessment and standards of the Diploma. Another respondent commented on the 'unnecessary repetition', through reference to the Grading Scheme and perceived additional regulatory burden for AVAs in monitoring their compliance with the Conditions.

248 With regard accessibility of assessments and the requirement in the Condition to comply with relevant provisions of the *Equality Act 2010*, one respondent recommended removal of the reference to the specific Act. The respondent also suggested the need for an additional condition to require AVAs to ensure providers meet their obligations in this regard.

Response

249 As noted in paragraph 109 above, and at various points, the proposed Conditions replicate some information that is currently held elsewhere in the Recognition Scheme. This is because we consider that it is more appropriately placed in the Conditions and, as a consequential amendment following consultation, these requirements will be removed from other documents upon re-publication of the complete framework. In other places where some repetition may be apparent in terms of phraseology, we suggest that this is for the sake of clarity and nuance, as opposed to wholesale repetition, and to ensure the requirements can be applied and enforced in practice.

250 Having considered the comments with regards to Condition E2: Assessment design, paragraphs 75 and 76 have been reworded to provide the requested clarification. The revised wording for paragraph 75 is:

- "[An AVA should ensure the content of the assessment...] complies with the requirements of the Access to HE Grading Scheme."

251 Reference has been added to the Grading Scheme at paragraph 76. This has been included in the interests of clarity and, as noted above, to ensure the requirements can be applied and enforced in practice.

252 The revised wording of paragraph 76 is:

- "An AVA must ensure that the relevant provisions of the *Equality Act 2010*, are complied with in the planning and setting of assessments, including the duty to make reasonable adjustments."

Condition E3: Academic misconduct (including generative artificial intelligence)

253 The comments with regards to Condition E3 focus predominantly on the inclusion of artificial intelligence, with respondents noting this a new area for regulation which will require ongoing collaboration with QAA and AVAs. One respondent observes guidance would be necessary to support AVAs in specifying acceptable use of generative artificial intelligence. A comment from one respondent also suggests the focus on further education in the UK with regards to the requirements for AVAs to have regard to relevant guidance issued by QAA, relevant legislation and approaches undertaken within further education is too broad. The same respondent also sought clarification on the meaning of 'contract cheating'.

Response

254 We are grateful to respondents for their comments with regards to Condition E3 and, in response to the suggestion that ongoing collaboration and discussion will be required between QAA and AVAs with regards to this new area of regulation, we confirm we are

willing to facilitate practice-sharing in this regard. The request for further guidance on what constitutes acceptable use of generative artificial intelligence has been considered carefully. We consider that this is an area on which AVA judgement is required in order that they may operate flexibly and in a manner which benefits their own individual contexts. However, in recognition of the potential impact of these technologies in academic misconduct, together with the speed at which they are being developed, we propose to offer signposting to relevant documentation developed by QAA and other organisations. In this regard we have amended the wording of Condition E3 paragraph 80 to change reference to 'further education' to 'tertiary education' in recognition of the comment received and wide range of guidance and good practice available across the sector from which AVAs will wish to consider in developing and maintaining their policy position on the use of generative artificial intelligence in assessments. No other amendments will be made to this Condition.

Condition E4: Moderation

255 We note the comments made throughout the consultation responses from one respondent with regards to 'unnecessary repetition'. The respondent specifically references reference to the Grading Scheme in Condition E4 paragraph 85, commenting on the perceived additional regulatory burden, for AVAs, in monitoring their compliance with the Conditions.

256 No specific comments were made with regards to the Conditions for internal moderation. One respondent queried the absence of detail in the Conditions for the timing of the first external moderation activities, noting the importance of supporting new programmes and providers, and the best interests of students.

257 One respondent queried whether the wording of Condition E4.3 paragraph 83.1 is too narrow, stating it implies teachers of GCSEs would be prevented from being moderators. The respondent suggests the wording of the Condition is amended to remove the requirement for moderators to have teaching and assessment experience in adult, further or higher education. Clarification is sought from another respondent about relevant and current subject knowledge, and where determining currency lies.

258 One respondent stated Condition E4.4 paragraph 84.2, 'judge the comparability of input and outcome standards across the provision that they moderate' was unclear and requested the Condition be reworded.

259 A respondent commented that the requirements detailed under Condition E4.5 paragraph 87 were too granular and suggested it would be better placed in guidance documents, as the information is operational.

Response

260 We have carefully considered the comments from the two respondents about the specificity of Conditions; one requesting more information with regards to the timing of the first moderation visit, the other suggesting too much detail was included about AVA actions with regards to moderator reports. While recognising the genuine concerns related to the timing of the first external moderation activity, no changes will be made to Condition E4.2 as we consider the level of specificity appropriate under principles-based regulation. This principles-based approach will allow AVAs to demonstrate compliance in ways that suit their organisation, providers and students. We would also note the requirement under Condition E1 paragraph 74.1 for moderators to engage with assessment and grading decisions before a student has completed 30 credits of study which should go some way to assuage the respondent's concerns about student interests. With regards to the comments that Condition E4.5 paragraph 87 was too detailed, we have revised the wording of the condition to replace the detail of specific requirements with a requirement that AVAs have in place and

implement processes to respond promptly to moderators' reports. This will now read:

- "An AVA should ensure that it has in place and implements processes to respond promptly to individual moderator reports."

261 As suggested, we propose to include more detail within relevant guidance documents to cover expected compliant behaviours such as providing copies of reports to appropriate staff and raising matters for specific attention within suitable timescales.

262 Having considered the comments related to Condition E4.3, paragraph 83.1, we consider the requirement is appropriate and that relevant experience for a moderator on a Level 3 Access to HE course would include moderators from adult, further and/or higher education. We acknowledge this may also include those who have taught Level 2 or GCSE if this experience is relevant to their moderation activity and the individual also has experience of teaching and assessment these other qualifications in adult and further education. No amendments will be made to Condition E4.3, paragraph 83.1.

263 In response to comments that Condition E4.4, paragraph 84.2 was unclear we have revised the text to provide clarification. The revised text reads:

- 'judge the comparability of assessment input and outcome standards across the provision that they moderate.'

264 Further clarity along with detail of what likely compliant and non-compliant behaviour may look like in respect of this condition will be set out in guidance. These guidance documents will address the comments with regards to:

- managing engagement with moderation before 30 credits are completed
- the currency of moderators' subject knowledge which we consider to be an operational matter.

Condition F: Awarding the Qualification

Condition F1: Qualification recognition

265 We received comments from one AVA only in relation to this condition.

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

266 The AVA felt that some parts of Condition F1.1 were poorly worded and had the potential to cause delay in the processing of final award results. They went on to explain that after providers make recommendations for awards, their recommendation is moderated by the AVA and then formally agreed at a Final Awards Board. In particular, they asked that the word 'recommendation' be substituted with 'confirmation of'.

Response

267 We have not changed the wording of the Condition because it does not represent an order of process. The Condition is intended to promote timely moderation to ensure that standards are maintained. While the membership, conduct and responsibilities of a Final Awards Board are described within the extant Access to HE Grading Scheme Section E; Student Results and Awards Boards, the process of a Final Awards Board is a matter for the AVA to define. We do not consider that this represents a requirement for AVAs to alter their current arrangements.

F1.2 Certification

268 We did not receive any specific comments in relation to Condition F1.2. Nevertheless,

we have changed one clause to refer explicitly to the Grading Scheme. This amendment was made in response to a comment an AVA made in relation to Condition F1.3, which is discussed in further detail below.

F1.3 Transcript of achievement

269 One comment was received with regards to the requirement to issue only a transcript of achievement where a student achieves less than 60 credits. The respondent states there is no account of Aegrotat or Posthumous awards.

Response

270 We consider inclusion of Aegrotat and Posthumous awards are best placed within Condition F1.2 - Certification. Therefore we propose to make amendments to Condition F1.2 to include reference to the Grading Scheme to reflect the comments received with regards to the transcript of achievement and Aegrotat or Posthumous awards. The revised wording for Condition 1.2 is noted as:

- '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 *as approved by its final awards board and in accordance with the Access to Higher Education Grading Scheme.*'

271 This includes Aegrotat awards, which may be approved by the Awards Board where there are exceptional extenuating certified medical circumstances which have resulted in the student being unable to complete the course requirements and the student has achieved at least 30 of the credits required for the Access to HE Diploma. In such cases, the Access to HE Diploma can be awarded without full credits and the unit and grade profile will be incomplete.

The monitoring arrangements

We asked respondents whether they had any comments regarding the monitoring arrangements we are proposing to implement as part of the revised Recognition Scheme.

General comments

272 There were a number of positive responses to the proposals for the Monitoring Arrangements. Respondents noted that the proposal to simplify the arrangements was particularly welcome, as was the suggested approach to regulatory (risk) judgements and the rebalancing of delegations between the Access Regulation and Licensing Committee and the operational Access team. It was noted that the monitoring proposals appeared proportionate and measured, although that clarity and timeliness of guidance and process would ensure that burden is minimised. One respondent suggested that in line with the simplification of the arrangements that these should be set out in a single guidance document rather than across multiple documents as at present.

273 Some stated 'no comment' or responded to say they felt unable to comment due to a lack of detail. An example was provided citing Condition B4, and asking how QAA might assess an AVA's performance in relation to the approval and validation of Diplomas. One respondent suggested that QAA should run a second consultation period on the proposals, while another suggested that the general approach had not changed.

274 In response to the statement in paragraph 64 of the consultation regarding the importance of the Diploma's purpose, one respondent highlighted support in relation to QAA's efforts to clarify this purpose, however raised a concern that the proposed definition may inadvertently undermine its value through use of negative language, characterising students as being without necessary qualifications.

275 Where the *Access to HE Concerns Scheme* ('Concerns Scheme') is noted in the consultation as another source of monitoring information (paragraph 70), a respondent expressed concern around QAA's transparency. They note that there was a lack of detail provided about the Concerns Scheme, and that it was published in February 2024 without formal communication to AVAs.

Response

276 We agree with the suggestion that the Monitoring Arrangements should be set out in a single document and will publish this alongside the approved Recognition Scheme documentation. This will be *'The Access to HE Monitoring Arrangements'*. Guidance on the specific information required to assess an AVA's compliance with a Condition, and the process by which we intend to assess particular Conditions, will be separately provided on a submission-by-submission basis as is the case now.

277 We disagree, in part, with the assertion that our proposals represent no change to the Monitoring Arrangements. It is the case that QAA has not sought to make changes to the present arrangements for the sake of change or add numerous additional processes or requirements. Therefore, some elements of the present arrangements remain in place, for example, the distinction between cyclical and more exceptional monitoring such as investigations. We consider that the current proposals seek to change the manner in which this is set out, in that the processes will be clearly articulated in the public domain and set out the relationship between the various aspects of the framework. Furthermore, we consider that the proposals represent an improved articulation of the approach QAA intends

to take to regulatory matters and transparently sets out a collection of regulatory tools and interventions which can be used in relation to AVA compliance.

278 As covered earlier in our response, because it is this approach that is being consulted on rather than the requirements of individual submissions, guidance on the latter is not available at this time and indeed is contingent upon the approval of the Recognition Scheme. While we will be running an additional consultation in relation to our proposals for the International Access Diploma (see below), we will not be consulting further on the arrangements in general nor the operational guidance. However, AVAs will be given the opportunity to ask about the guidance to ensure understanding.

279 Regarding the definition of the Diploma, we have agreed with some comments we have received on this matter and have set out our revision above (paragraph 23) in response to feedback from Question 1.

280 The *Access to HE Concerns Scheme* was re-published in February 2024 and is an updated version of a pre-existing procedure which was previously known as the 'Comments, Compliments and Concerns Scheme'. This was revised to be properly aligned with wider QAA policies and procedures and did not require consultation. While it is the responsibility of AVAs to be familiarised with key documentation, we accept as a point of feedback that it is helpful to communicate updates on such documentation directly to AVAs and will make plans to ensure that this is included in routine communications.

Burden

281 A concern was raised that there will be an impact on providers if AVAs are having to use more resource to meet monitoring requirements.

282 A respondent also asked for further clarification on how the monitoring arrangements will reduce administrative burden, noting that they consider the current data submission requires more data than they provide other regulators in relation to other qualifications.

Response

283 We would wish to emphasise here that there is a difference between the requirement for data submissions and the regulatory framework where data requirements may be changed from time to time in response to need, whereas the monitoring arrangements set out the approach to monitoring which, once approved, cannot be changed unless consulted upon. We have identified that we are going to review and refresh our requirements for annual data submissions, taking into account any changes to the Recognition Scheme's monitoring arrangements, to minimise unnecessary duplication and ensure that all requests are proportionate to need. We would hope that this would minimise any burden for AVAs and subsequent impact on providers. Information about submission requirements will continue to be issued in guidance.

Strategic statement

284 Comments relating to the strategic section in response to this question were mixed. One respondent suggested that the statement would be beneficial overall but asked for assurance that confidential or commercially sensitive information would not be shared publicly. Comments made about the strategic statement in other areas of the consultation response were also reiterated, for example that it was felt to be inappropriate for QAA to approve the statement. Confirmation was requested about when QAA will review and approve the strategic statement.

285 It was also suggested that QAA should have and share their own strategic statement.

Response

286 We have addressed the concerns about the sharing of commercially sensitive information and approval in the response above. We reiterate that AVAs will not be required by QAA to share commercially sensitive or confidential information in their strategic statements as we intend that it is something which could be published.

287 As set out in paragraph 66 of the consultation document, QAA will review and approve the strategic statement:

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

288 Whilst we are clear that the nature of QAA's strategic statement in respect of Access will be different to that of AVAs (and therefore, as set out above, a joint statement would not be appropriate), it is our intention to take this forward as part of the implementation of these new regulatory arrangements.

Time-limited licences

289 It was suggested that the introduction of a time-limited licence appeared to be intensive monitoring 'by the back door' and in fundamental opposition to principles-based regulation. Similar to comments on the topic of time-limited licences elsewhere in the consultation, respondents from AVAs used their responses to this question to confirm that they do not support the proposal, and concern regarding the timeline set out elsewhere in the consultation.

Response

290 QAA considers that a response to these concerns has for the most part been more appropriately provided in other sections of the consultation response (see in particular the sections in relation to Time-limited Licences and Transition and Implementation).

291 In respect of its place in the monitoring arrangements, we do not agree that time-limited licences represent a surreptitious arrangement to increase or intensify monitoring. The present proposals are intended to ensure that there is complete transparency for all stakeholders and we consider time-limited licences to be a tool through which we can discharge our responsibilities in relation to the Diploma most effectively.

292 We furthermore do not agree that the introduction of time-limited licences runs counter to principles-based regulation and contend that they instead complement it. Under a rules-based scheme, as is in place currently, it can be challenging to manage risk in a nuanced way which takes into account context and allows trust, and at present the only formal sanction available to QAA is withdrawal of licence. Time-limited licences will benefit AVAs in that they allow all parties to clearly understand when certain aspects of the Terms of their Licensing and the Conditions are going to be considered, and the monitoring arrangements provide a transparent framework for proportionate risk management in the event concern is identified.

Risk ratings

Responses in relation to risk ratings were again mixed and several AVA respondents were concerned about their publication. It was suggested that public confidence in the Diploma

could be better maintained through the publication of regulatory action, rather than risk ratings and is more in line with other regulators. Another suggested that confirmation of licence alone should be sufficient and that all other regulatory information should be private.

293 It was queried what QAA's procedures for establishing risk ratings would be, and what training would be given to QAA reviewers in determining risk ratings to ensure consistency.

Response

294 A response to the concerns raised regarding the publication of risk ratings, and a proposal to publish 'regulatory judgements' is set out above (see section: The Constituent Elements of the Recognition Scheme, paragraphs 20-23).

295 In respect of the queries on procedures and training, it is QAA's intention that all regulatory activity will be undertaken by officers of the Access team, with the exception of licence approval and withdrawal which will require oversight from ARLC and the QAA Board. This will ensure that assessments and recommendations and particular decisions with delegated authority are only undertaken by those with specialist knowledge of the Recognition Scheme and Diploma. It will also support timely and effective decision-making, increasing certainty for AVAs, and ensure that governance oversight is used where it is most appropriate in the implementation of the framework.

Questions

296 A number of additional questions were asked in response to this question:

- Whether there will be an appeals process for risk ratings and other regulatory decisions taken by QAA.
- Whether QAA can provide clear definitions of what constitutes increased risk of non-compliance.
- What is meant by 'inappropriate' when deciding whether QAA will share information about regulatory action taken, and whether QAA intends to publicly share details of providers involved where relevant.

Response

297 There will be an appeals process which covers regulatory interventions and licence length.

298 Explanations regarding our view of risk will be set out in guidance. In general, we will find that an AVA is at increased risk of non-compliance with the Terms of its Licence and the Conditions where there is evidence that it is, or will be, unable to meet the requirements of any element of the Recognition Scheme. The approach to managing this risk will be informed by consideration of its nature, severity, likelihood and impact, taking into account a range of information, context and proportionality.

The Diploma Specification and Grading Scheme

We asked respondents whether they had 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.

General comments

299 Responses to this question were generally supportive of the intention to simplify and streamline the regulatory documentation.

300 One respondent suggested that they think that the requirements of the Diploma Specification are duplicated in the Conditions and that there is unnecessary repetition between the proposed Recognition Scheme documents.

301 Further information was requested about the nature of the changes proposed in the consultation document. Specifically, where QAA proposes to make minor updates to the Diploma Specification and Grading Scheme. Concern was expressed in relation to the potential impact and cost of implementing any changes to these documents.

302 A respondent asked how the new Conditions will ensure that the core principles of the Grading Scheme are effectively maintained, in that it aims to ensure that grades and awards are valid, reliable, and consistent. Specifically, they have asked whether QAA expects AVAs to take any action to ensure that the interpretation of the Grading Scheme is comparable across AVAs. They note that 'valid' and 'reliable' are separately defined under proposed Condition E, but that the definition of reliable only relates to within- rather than between-AVA reliability. They further highlight that this has previously been addressed by standardisation events, and suggest that a requirement for AVAs to participate in activities such as standardisation events or the sharing of grading examples for central moderation may address and support this aim of the Grading Scheme. However, they note that if AVAs were required to organise this activity amongst themselves it may be onerous or unfair.

Response

303 QAA has made clear its intention to make necessary updates following the consultation process to ensure that all documents of the Recognition Scheme are in alignment, and in doing so to simplify the documentation. This will include reconciling where we have proposed to move a requirement from the Diploma Specification or Grading Scheme to the Conditions. As we are not intending to make any significant changes to the requirements in the Diploma Specification or Grading Scheme, some repetition may appear currently between our existing and proposed documents because it would be inappropriate to have made the consequential amendments in advance of the conclusion of the consultation process.

304 As set out above, the nature of these changes is such that they are consequential amendments and represent a 'tidying up' as opposed to a change in any requirements. Therefore, QAA does not anticipate any impact of the amendments to other Recognition Scheme documents to affect AVAs' current implementation of them.

305 We have carefully considered the suggestions raised regarding the comparability of grading between AVAs. Diplomas with identical unit content are generally not delivered across AVAs, so it is more difficult to judge reliability on this scale, and we consider it would be problematic to hold an AVA responsible for ensuring its consistency with another AVA. However, one of the ways QAA might identify a concern is through noting anomalies in grading and awards that stand out across our datasets, including grading and awards data from AVAs collectively. If a concern was identified this way, we would be likely to consider this in relation to validity rather than reliability, as an AVA may be reliably applying the grading scheme in a way that is not valid.

306 We agree that activities which promote shared understandings across AVAs regarding how the Grading Scheme is applied supports consistency of standards, and therefore fairness and quality in the award of Access to HE Diplomas, with a requirement to participate in activities designed to ensure consistency of standards. It is QAA's intention to continue such activities, and encourage AVAs and providers to engage in them where possible. As such, we agree with the suggestion to ensure participation to this end, and have included the following additional requirement under Condition E1:

- "An AVA should make all reasonable efforts to, and ensure that its providers have the opportunity to where applicable, participate in activities at the request of QAA which are intended to promote and ensure the validity, reliability and consistency of standards in the application of the *Access to HE Grading Scheme*."

International Access to HE Diploma: approach and options

We asked respondents whether, in respect to the licensing proposals, they agreed with the option we indicated as our preferred approach. Respondents were also asked to suggest an alternative approach if they did not agree.

Support for option 1

307 Two AVA respondents agreed with option 1 (award of the licence on a country-by-country basis) with one agreeing more fully, and the other agreeing with this approach for the pilot phase only. Non-AVA respondents also generally agreed with option 1.

308 Reasons given for agreement include consideration of the importance of demonstrating an in-country approach to delivering qualifications given the differing and strict arrangements within countries for the delivery of international qualifications. The importance of 'doing things properly' and due diligence in order to ensure the success of any international Diploma, and the competitive nature of the market was noted. It was also noted that arrangements wherein an AVA could 'hit the ground running' were not generally feasible, and that option 1 properly reflected the preparation required for setting up qualifications internationally. Dubai was given as an example of a country in which specific arrangements are required to operate.

309 The respondent highlighted the need for close working with the Department of Business and Trade and observed the range of risks and concerns in relation to international qualifications and the reputation of UK education. It was suggested that unregulated qualifications modelled on Access to HE Diplomas were already serving this market which had the potential to mislead consumers and damage the Access brand, and it was queried how QAA intends to deal with such conflicts in future.

310 It was suggested that a pilot phase would be necessary for QAA to refine its approach to arrangements and allow for flexibility in line with the variable nature of requirements globally. However, also noted was a lack of perceived difference between the options given and some further clarification on the proposals was requested.

Response

311 We agree with the reasons given in support of option 1 as these accord with QAA's understanding of international qualification arrangements in different countries. We continue to contend that the requirement for AVAs to demonstrate a credible plan for each country represents best practice and mitigates a number of serious risks in relation to the reputation of the qualification and QAA internationally. We particularly note the importance of due diligence and sensitivity to the requirements of each individual country when delivering international qualification.

312 We agree that close working with other organisations is important in this area and confirm that QAA does have a working relationship with the Department for Business and Trade in relation to international qualifications and transnational education.

313 QAA is aware of the existence of some qualifications offered under the banner of 'international' which are similar to the Level 3 Access Diploma but not regulated by QAA. In

developing these arrangements, we are looking to protect the Access to HE and QAA brands. Some of the protections we have within our framework include requirements around the use of trademarks, and proposed requirements around clear public information and marketing. However, we note that our framework only permits us to operate within this remit.

Support for option 2

314 One AVA expressed support for implementation of option 2 following a pilot phase, and stated that this would be the preferred option if QAA does not consider alternative suggestions proposed.

Response

315 Following analysis of the comments in response to this question in general (see other areas of the response), we agree with this suggestion and in further consultation will propose a phased approach to licensing for international delivery incorporating the two. We propose that option 1 be implemented for a pilot phase, and then AVAs may transition to option 2 post-pilot. Under this arrangement, they will be able to submit a credible plan relating to each additional country they intend to operate in and these will be added to the licence. Any AVA that joins post-pilot will need to undertake this same approach. We will propose that the pilot will be for two years in order to ensure an entire academic year is fully covered.

Disagreement with both options

316 The majority of AVA respondents expressed strong disagreement with both options. A number suggested that a lack of detail in the proposals at this stage made it difficult to comment and one noted that financial arrangements were not set out making it hard to assess the financial viability of each option. Some suggested that the difference between option 1 and option 2 wasn't sufficiently clear, and that further detail was required on what constitutes a credible plan. There was concern that both options proposed may be excessively burdensome and bureaucratic.

317 Some AVAs stated that the rationale for QAA's proposals was not apparent, nor why or how they would add benefit or value for AVAs, noting that they considered the proposals to be potentially costly with possible impact on provision in general. Several expressed their belief that all risks associated with an international Access to HE Diploma sat with AVAs.

318 A particular concern was noted in relation to QAA's approach, with the suggestion that QAA is not in a position to approve countries themselves, or applications on a country-by-country basis. Again, it was noted that such an approach was expected to be excessively burdensome.

319 Some alternative suggestions were made. This included the suggestion that a single international licence be granted for all international work, assessment for which should be 'restricted to generic' areas including: quality assurance; dealing with differing cultural requirements; local engagement; capacity; safeguarding reputation; and risk management. One AVA noted that this would reflect QAA's trust in AVAs and their ability to implement the aforementioned areas appropriately. They also noted that this suggestion constituted a principles-based approach.

320 It was suggested that AVAs should be able to operate in more than one country after they had demonstrated their approach to operating internationally, but also noted that this was beyond the requirements of other regulators and the potential resource intensive nature of such arrangements for QAA.

321 Other suggestions included that the international licence should be separate to the

domestic licence and that a domestic licence should be a requirement for approval of the international one. Another respondent suggested that a separate licence and conditions are not necessary and that the proposed domestic Recognition Scheme could serve as the basis for operating internationally. The respondent also suggests that if additional controls are necessary QAA could implement specific qualification-level conditions. Monitoring could be through data reporting or thematic reviews of international delivery.

Response

322 We accept that the proposals in the consultation did not include details of financial arrangements which we take to mean fees associated with the operation of an international licence. QAA intends to cover the investment behind the pilot phase, which will also allow us to accurately determine the costs that we will bear. This in turn will allow us to develop an appropriate fee schedule. We do not share the view that the costs of operating our proposals will be excessive or significant, although we do concede that there will naturally be an increase in resource required to operate additional arrangements – as set out above these will be accurately determined through piloting.

323 QAA does not consider that introduction of the IAHER is intended to reduce bureaucracy in and of itself, and maintains that expansion of Access provision in this way is likely to increase resource requirements in general for both QAA and AVAs. While we will endeavour to ensure that this kind of burden is minimised in our approach, this will not be at the expense of thorough and appropriate treatment of the risks. We consider that student risk is high if we do not ensure that AVAs have undertaken requisite planning and diligence and that we have assured ourselves of this.

324 We furthermore strongly disagree with the suggestion that all or the majority of the risk associated with expansion of the Access to HE Diploma into international markets sits with AVAs. There is significant regulatory risk in this area for QAA, as well as risk to our wider international work and to students. We will continue to propose an approach which gives sufficient weight to these risks. We consider that the benefit of our proposals is that they will enable AVAs to operate internationally with the Access to HE Diploma, however it is for each individual AVA to consider the costs and benefits of this offer and make decisions which are appropriate for their operating context.

325 We note that we have arrived at this appraisal of the risks because of the experience and knowledge which sits within QAA with regard to international education delivery and quality assurance, which has been acknowledged in the responses. In the main, risk mitigation forms the rationale and basis of our proposals. In respect of concerns around our approach to assessment on a country-by-country basis, it is important to be clear that our assessment is of the AVA and their ability to operate in that country in line with its requirements, not the country itself.

326 We do not agree with the suggestion to award a blanket international licence on the basis of a single, generic assessment. This is because we do not consider a generic approach to international delivery to be good practice, and this is not a permitted or acceptable model in all countries in any case. Furthermore, we do not agree that this constitutes a principles-based approach and note that there is a distinction between model and approach. Instead, we maintain our position that, whatever the arrangement, AVAs will need to demonstrate a credible plan for operating the Diploma in a given country. Similarly, we do not agree that the domestic licence and conditions are sufficient to manage international operation alone, and that an additional licence with conditions specific to international operation will provide further protections where the range and opportunities for risk are increased. We consider the most appropriate mechanism to permit this is an

extension of the terms of the licence and propose the arrangement set out above in paragraph 314. We consider that this refinement of the proposal, which we intend to consult on in further detail in 2025, is further in line with a number of the other suggestions above.

327 We agree with the suggestion that the international licence should only be available to AVAs with an existing UK licence and confirm that the pilot will only be available to AVAs who hold a domestic licence at the time of consultation. As set out above, we also intend to propose that any AVA who intends to apply for an international licence for the first time post-pilot will have to undergo the same two-year pilot process.

General comments

328 Desire for further detail was noted throughout the responses to this question.

329 One respondent disagreed with the requirement to ensure that students are suitable for admission to courses, stating that this is the responsibility of a provider.

330 Another suggested that AVAs should be required to have prior experience of operating in a particular country to be approved to deliver the Diploma in that country.

331 A concern was stated that the International Access Diploma was the only area of the consultation which referenced growth, and AVAs requested an update on the funding for this project, and on the monitoring of AVA's satisfaction with QAA's work. They state that the scoping of the IAHEd has in itself been a pilot of jointly funded development projects and suggest it should have a full evaluation and review.

332 Some additional questions were asked in the responses:

- Whether there will be a limit on number of AVAs licensed to operate in a given country.
- Whether it would be possible for existing Diplomas validated for domestic provision be offered internationally, following necessary minor adjustments.
- Whether QAA will offer support to AVAs given its expertise in international delivery.

Response

333 We acknowledge the requests for further detail and information and intend to provide this in a further consultation opportunity as the proposals are refined and progressed.

334 While QAA does not have a direct regulatory remit with providers and it is providers who are in charge of making admissions decisions, responsibility ultimately sits with the AVA to put the contractual responsibility for what constitutes an appropriate admissions decision on the provider. Our requirement on the AVA is to ensure that contractual responsibility is effectively in place.

335 In respect of the suggestion that AVAs should be required to have prior experience of operating within a country before it can be awarded a licence to deliver the Diploma there, we disagree with this because it could disadvantage AVAs whose provision is largely or limited to Access to HE.

336 We disagree that the IAHEd represents the only part of the consultation in which growth is mentioned, and draw attention to the introduction of the consultation and the principles on which we consulted in question 3 where growth demonstrably underpins the aims of the proposed revisions to the Recognition Scheme.

337 QAA is committed to supporting the launch of the IAHEd and funding has been utilised

to this end. This has included the time used to undertake the work, for example, to prepare the present changes to the Recognition Scheme and the staff time required in that regard. We do not intend to monitor AVA's satisfaction with our work, and consider that this might conflict with our intention to deliver arrangements which represent the needs of all stakeholders. However, we are happy to engage with individual AVAs where there is a concern. We agree that the suitability of the partnership model should be reconsidered for future development projects.

338 We do not at present have plans to put any controls in place on the number of AVAs licensed to operate in a given country. We also do not in principle see any reason why existing validated Diplomas could not be adapted or offered internationally as part of a credible plan which recognises the context of the country and their requirements.

339 QAA has already shared some intelligence with the intention of supporting AVAs, in the form of market research reports. We carry out extensive work in the wider organisation on international education, partnerships and transnational education and produce resources and events on these topics. While AVAs are ultimately responsible for their own research and business development, QAA is happy to explore the further inclusion of appropriate internationally-focussed events and resources in addition to those already offered to AVAs.

International Access to HE Diploma: comments on the proposals

<p>We asked respondents whether they had any comments regarding the proposals we have set out for the International Access to HE Diploma.</p>
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English Language requirements

340 The need for an English language requirement was generally accepted by respondents. It was observed that the lack of content prescription in this regard gave AVAs the opportunity to develop appropriate supplementary packages of study or collaborate with partners. Some respondents were supportive of a flexible approach in requirements to enable AVAs and providers to make proper judgements as part of the student recruitment and registration process.

341 Some AVAs suggested that, while an English language requirement is necessary, this should mirror student visa requirements and that not doing so would leave the Diploma out of step with other qualifications and place it at a disadvantage in terms of HE admissions. It was further suggested that this could amount to discrimination. One respondent noted that some Professional, Statutory and Regulatory Bodies (PSRBs) stipulate different requirements for degree level training in their fields, in particular that the Nursing and Midwifery Council appear to have a higher requirement than that we have proposed.

342 One respondent from a college expressed disagreement with our proposal that English language tuition may be offered separately alongside the Diploma and suggested that all students should be able to demonstrate the Home Office minimum requirement for below degree level study at the start of their course, otherwise it suggests a very low bar is being set which could damage the reputation of the Diploma.

Response

343 We agree with comments which identify the scope for flexibility within AVAs for establishing the most appropriate way to meet the proposed QAA requirement that students are able to complete the course and that they are able to demonstrate English language level B2 on the Common European Framework of Reference (CEFR) scale on its

completion. It is at the AVA's discretion whether they consider that ability and suitability to enter onto the course constitutes a level of English equivalent to B1. We maintain that, provided assessment and award is managed appropriately, this will not disadvantage students looking to apply for entry to UK universities as the award of a Diploma will represent ability at the B2 level. We note that the Diploma is not intended to be a replacement of evidence of achievement in this regard and indeed that higher education providers will have their own methods of assessment and requirements. We do not agree that the proposed requirements put students at risk of discrimination and have avoided prescription on this point as we feel it could add burden. Allowing AVAs to determine their own criteria for an assessment of students' overall ability and suitability to enter the course, and pathways to ensure learners are able to demonstrate CEFR level B2 at the end of the course, is an example of principles-based approach to regulation.

344 We expect it to be the responsibility of the AVA to ensure that registrations are compliant in this regard. In terms of monitoring, one way in which we may identify concern is where there are an unexpectedly high number of students registered without completion or award and this may lead us to engage with an AVA to determine the reasons for this. We would expect to understand more about this requirement in practice following a pilot of the programme.

345 The observation that PSRBs have different requirements again is a reasonable one. We consider that it is appropriate for the requirement of ability at B2 on completion of a Diploma course to remain as a minimum in our requirements, but in developing Diplomas AVAs should be mindful of common UK entry requirements and where these might differ for particular degree courses.

346 We intend to retain this requirement as proposed at this time; however further opportunity to consult on the IAHEd will be provided in 2025.

One Diploma per subject, per country

347 All six respondents who commented in relation to the proposed requirement to limit AVAs to operate one Diploma per subject per country were opposed to it. It was suggested that in this regard the IAHEd should be run in equivalence with the domestic Diploma. Reasons given for this included that Diplomas are generally designed around progression routes rather than subjects, which in turn must address complex differing requirements. Comments noted that the requirement appeared unnecessarily restrictive on AVAs, providers and students, and that it should be for AVAs to determine the appropriate pathways to be developed. One respondent suggested that the risk the proposed requirement intends to address should be mitigated through AVA's due diligence in the provider approval process instead. Another queried the practical considerations of how such a restriction would be managed in terms of standardising and coordinating across Diplomas and AVAs.

Response

348 QAA has accepted in its consultation proposals that this requirement entails a constraint on AVAs' ability to develop different Diplomas for different providers. However, we have read and acknowledge the practical operating concerns of AVAs in relation to this. In the further consultation on the IAHEd we will propose that this requirement, or similar, is retained for at least the pilot period and consider that this will align with our proposal to operate limitations on international licences for the pilot period. We will consult further alongside this on suggestions and solutions in the longer term.

Blended learning

349 Six of the seven respondents who commented in this regard were opposed to the proposal that the IAHER should be delivered through a blended learning approach. Those who opposed it cited that they were unsure of the rationale for the proposal, and that it had the potential to negatively impact both providers and students and is out of step with other Level 3 qualifications offered internationally. Some respondents noted that it didn't appear that the proposal allowed for fully face-to-face learning and that this could disadvantage students where there are differences in ICT access.

350 It was suggested that this was an aspect of course development that should be for the AVA to determine what is most appropriate for the context. One respondent suggested that more detail on the definition of blended learning in this case was necessary. One AVA noted that this proposal may prevent domestic providers from offering IAHER to international students wishing to study a Level 3 qualification in their home country to gain entry to UK universities.

351 One AVA respondent was in favour of the proposal, citing that it will create consistency and fairness, that it protects learners from low quality courses, and that it is often more appropriate for Access students. For these reasons, they believed it should be applied to the UK Diploma requirements too.

Response

352 QAA's intention in this regard is to restrict the provision of online-only Diplomas in the international market. We recognise that we have not made this sufficiently clear in our consultation. To be clear, we are not proposing to restrict or limit face-to-face learning. We consider 'face-to-face' to include 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. This means that Diplomas can be delivered online if there is some live delivery of teaching and learning. We will ensure that future consultations, requirements and guidance are explicit on this point.

353 In order for UK providers to deliver the IAHER to international students, AVAs would have to ensure that this can be achieved as part of a credible plan for operating in a particular country. For example, there are a number of regions in which this would not be considered credible because of in-country requirements.

354 Our rationale for requirements in respect of blended learning is that we consider that there is the potential for courses delivered without any face-to-face learning opportunities (whether they be in person or through remote platforms) to offer lower quality provision and that such a model is not supported in some countries' requirements. Specific requirements around, for example, the proportion of online or remote and in person activity will be consulted on further.

General comments

355 A broad range of other comments and questions were submitted.

356 Two AVAs noted their dissatisfaction with the rate of progress with regard the development of the International Diploma and a perceived lack of tangible output. One further suggested that a full breakdown of costs should be provided to AVAs and that those who do not wish to participate further should be offered a refund of any investment made. A respondent suggested that the proposals were again indicative of a lack of trust and drew

attention to the success of a number of AVAs in the international qualifications market.

357 One AVA commented that the proposals limited market opportunity, citing market research which suggested that students may often not have the resources to study in the UK for three or more years. They also highlighted the differences between the intended student demographic of the UK and International AHED, and noted that an implication of the IAHEd is that only those who can afford to study would be able to take advantage of the qualification unless funding was made available, in contrast with the domestic Diploma.

358 Another AVA questioned the necessity of requiring the AVA to have procedures to ensure that the IAHEd remains equivalent to an English Level 3 qualification, noting that it is not an explicit separate requirement for the domestic Diploma and is implicit in its validation.

359 Some comments and suggestions were made with regard the opportunities presented by the expansion of provision into international markets, including that Access has the potential in particular to operate in-country to complement HE Trans National Education (TNE) arrangements, widening the choice of entry qualifications for learners in countries where these arrangements are established. The respondent also warned that both QAA and AVAs need to be aware of differences between UK and international audience but that these should be embraced, citing specifically differences in the age of interested learners and their rates of progression through education systems. It was also highlighted that QAA should consider its monitoring and reporting requirements for the IAHEd given that academic calendars in other countries do not always align with the UK.

360 A number of questions were asked:

- How will external moderation and verification be carried out?
- Will there be additional measures to clarify progression routes to UK-based HE for students?
- Could students progress to specific HE providers abroad?
- How will the IAHEd be promoted by QAA, and what will the parameters be for AVAs in promoting their IAHEd offer?

Response

361 In working towards the development of an International Diploma offer within the provisions of the Recognition Scheme, QAA has undertaken research which has been shared with AVAs and is at present actively developing the regulatory infrastructure required to expand such an offer with confidence. As set out in the consultation, in order to take the IAHEd forward QAA has determined that it needs to prioritise making changes to the domestic arrangements. After a six-month pause in activity on the IAHEd, QAA recommenced development alongside this work, noting that the development and consideration of proposals itself costs time and money. QAA remains committed to progressing and implementing the arrangements for an IAHEd, and where there are concerns we are addressing and considering these through consultation processes. We consider that international and transnational education delivery is complex and that it is important to approach the development of the arrangements carefully and thoroughly in order to safeguard the qualification and its stakeholders. We are happy to engage with individual AVAs where there is a concern or they wish to withdraw their support and participation in the IAHEd's delivery.

362 Similarly, we do not agree that our proposals are motivated by a lack of trust in AVAs. We continue to trust AVAs and note that some operate successfully in the international

market in respect of other qualifications. However, we have an obligation to protect the qualification and uphold standards. Just as licensing arrangements allow us to assess an AVA's ability to operate in the UK, we consider that it is important that QAA is able to assure itself that AVAs have credible plans and arrangements for operating in each market that it enters.

363 We consider that the need to support market opportunity must be balanced with appropriate consideration of the risks of those opportunities. Nevertheless, we are not in agreement that our proposals limit opportunities for AVAs to develop an offer to students in other countries who, for whatever reason, wish to remain in that country for progression purposes. We consider the opportunities that the Access to HE Diploma frequently offers students who may not otherwise be able to afford to get the necessary qualifications for entry into university because of the funding arrangements available in the UK to be very important. However, QAA notes the various complexities in the policy landscape around higher education funding and international students and that specific public funding for international students is not available at this time. We also note the limitation of our remit and role in terms of advising other governments beyond the UK in terms of funding.

364 We draw attention to the funding arrangements in the UK insofar as they determine who the Access to HE Diploma is primarily aimed at. Students under the age of 19 are not excluded from studying for the Diploma. However, because public funding for these students is only by exception, there may be more suitable options available at Level 3 to this age range. Where this is not a consideration, as is the case in international markets, age is a factor in terms of suitability only in relation to readiness for higher education.

365 We agree with the comments and suggestions with regard to opportunities and differences in international markets. We also have noted the need to have regard to differences in academic years in respect of monitoring and data collection. We do not consider that this will present a significant conflict with our domestic monitoring arrangements which allow for roll-on-roll-off provision and irregular study lengths.

366 Specific considerations and requirements around verification and external moderation for international courses will be refined in future consultation. This is also the case for matters relating to information, advice and guidance regarding progression routes, however this is covered in the proposals for new requirements of the domestic licence which would continue to apply to an international licence unless stated. Any specific additional requirements would sit in the conditions of an international licence.

367 The proposals set out for the IAHE do not require courses to provide progression to HE in a particular country. Therefore, it is possible, and encouraged, under these arrangements to create Diplomas designed for progression to higher education providers in-country. The nature of these progression arrangements will depend on the AVA's partnerships and relationships in a given region. Similarly, QAA does not have specific plans to promote the IAHE internationally and marketing responsibilities generally sit with the AVA and providers. However, opportunities for QAA to advocate for and promote the qualification will depend on QAA's own partnerships and presence in given international markets.

Transition and implementation

We asked respondents whether they had any comments regarding the proposed implementation of the updated Recognition Scheme.

General comments

368 Detailed comments were received from AVA respondents across a number of themes including timescales and fees, many of which supported or mirrored comments made earlier within their consultation responses. Other respondents stated no comment, with one stating 'all good'.

369 With regards to timescales, the majority of comments expressed concerns that the timetable outlined in the consultation document was too tight and stated a preference for phased approach to relicensing. Many respondents explained that undertaking relicensing activity over the summer adds complexity and pressure for AVAs during the busiest time of the year. One respondent also commented on an inconsistency between the timings outlined in the consultation document and those presented in AVA briefings. A request was made from a non-AVA respondent that any delays in approving AVA licences should not have a negative impact on providers.

370 Respondents used their responses to this question to provide comments regarding fees which related to both the annual fee paid to QAA by AVAs, and other costs for development activities, for example development of an International Diploma. Respondents mainly requested early notification of annual fee rates together with publication of a schedule of fees for paid-for activities. One respondent requested further clarification regarding a situation where an AVA might withdraw support for development projects and what mechanisms would be in place to allow them to access the outcomes of these in that event. Another comment queried the possibility of a structured fee programme to reduce late notice of fee rises.

371 Some responses highlighted the challenges for AVAs in managing the implementation of a revised Diploma Specification and Grading Scheme while also preparing for relicensing activity. An AVA also noted the financial costs incurred in implementing the qualification developments.

372 The need for relicensing was again queried, stating the submission of documentation for relicensing is burdensome and unnecessary. They again proposed that current AVA licences should be transferred to the new arrangements.

373 Comments were received from one AVA respondent welcoming QAA's approach to provide clear structure through the revised Recognition Scheme. They suggested that QAA sets out its strategy for the next five years to ensure consistency in the case of changes to personnel.

Response

374 With regard the responses received relating to the timescales proposed in the consultation, we recognise the challenges arising from the timetable for relicensing and, as noted at paragraphs 26 and 28 above, we shall implement a phased approach to relicensing and adjust timings to allow for all relicensing to be completed by August 2026. We have also committed to issue all relevant guidance to AVAs by early Summer 2025. Ahead of the finalised guidance being issued we intend to give AVAs the opportunity to engage with draft versions to note any questions that they might have, although this will not be an opportunity to alter any of our determined approaches at that point (see paragraph 28).

375 Having considered the comments about perceived burden to AVAs, we reiterate that we consider the changes we have proposed to our overall approach to regulation, and in refining the Conditions, will ensure that QAA can be proportionate and targeted in its regulation of the Diploma. (See also paragraph 44). We anticipate the principles-based conditions will facilitate greater flexibility and reduce burden as AVAs will be able to adjust their ways of working to meet their local business needs – for example, the removal of specific governance requirements welcomed by consultation respondents (see paragraph 124). Also, as noted at paragraph 283, we have identified that a review of our annual data submission is required to minimise unnecessary duplication. We acknowledge the return to time-limited licences will introduce a regular formal engagement with QAA with regards to licence renewal. However, we are confident this can be achieved efficiently and effectively as will be described in the guidance documentation to follow.

376 As noted at paragraphs 42 and 43, on an ongoing basis we consider that there is a range of benefits to time-limited licences, especially for students, and that assessment of AVAs on a routine basis will contribute to the stability of the qualification through strengthened consumer confidence. One of our guiding principles in devising this new framework has been protecting the student interest, and we consider time-limited licences to be important in support of this principle. It is therefore incumbent on QAA as the regulator of the Diploma to ensure to a high degree of confidence that standards are upheld over time. Additionally, we anticipate relicensing will enable us to reconsider the balance of regulatory activity and information submissions across the licensing period. This may have the effect of consolidating our regulatory activity in a manner that is regular and predictable, and lessen the need for additional information in the interim period.

377 With regard the request for clarity of purpose to be set out by QAA through its strategy for the next five years, we shall consider how best to reflect our regulatory activities in respect of Access to HE through publication of a strategic direction and roadmap to sit alongside our future strategy documents, as set out in paragraph 287.

378 We have noted from the comments received that AVAs would find it helpful for a schedule of fees to be published. While it would be possible to publish fees for interventions, where these would be payable, the variable fee rate per new registration is determined annually. This variable fee is determined by the number of new registrations in a reporting year and QAA's budget requirements in the fee year. As discussed with AVA chief executives, we shall share information about registrations and fees as soon as practically possible while keeping within QAA's governance and approvals processes.

Transition and Implementation: pilot phase for International Access to HE Diploma

We asked respondents whether they had any comments regarding the proposed pilot phase for the International Access to HE Diploma.

General comments

379 Comments were received from 12 stakeholders, including all nine AVAs and also some providers. There was broad support in favour of a pilot phase in terms of its purpose – for instance in facilitating 'an assessment of [the Diploma's] viability in different potential international contexts and its ability to provide appropriate opportunities for international learners, providers and AVAs'. It was also supported in terms of its outcome, for instance in attending to 'unexpected consequences of extending Access to HE to the international market'.

380 One AVA suggested that the word 'pilot' might be problematic as it suggests that the international provision may not continue, placing further financial risk on each AVA. Another AVA suggested that instead of a pilot phase, a review window 'within which lessons could be learnt' might be better. One AVA neatly summarised the overall concerns that many AVAs alluded to within their responses - 'More detail is required to fully understand the pilot phase and what is an onerous undertaking for AVAs who will base their decisions on commercial gain and risk'.

Response

381 The current consultation is intended as an initial testing of high-level proposals ahead of a full, detailed consultation. Once the consultation with all stakeholders has closed, it is our intention to consult further with AVAs to determine the specific arrangements for the International AHED. These are contingent on the final Recognition Scheme and therefore cannot be decided prior to its approval. Further consultation with AVAs will allow us to align QAA and AVA expectations with regard the purpose and outcome of the pilot phase and longer-term plans. The pilot offers an opportunity to assess the strengths, weaknesses, opportunities and threats of the Access Diploma in new markets during an agreed window, and we are confident that new providers will understand that this is a new qualification offered to their market and are likely to therefore be understanding of the fact that certain elements of it will be under a pilot scheme. It is not our intention with the use of the word 'pilot' to suggest that the shift to international provision will be short term. We consider the pilot to be in practice an opportunity to identify and consider emerging risks to support the approval of longer-term licences which cover international operation. The pilot phase also acknowledges that there may be amendments in response to this identification and review.

Individual AVA pilots

382 One AVA stated that the proposals suggest that each AVA will need to undergo a pilot phase, and that this seemed unnecessarily onerous. They went on to argue 'each AVA is best placed to make their own commercial decisions'. Concern that this would be off-putting to providers was expressed. Two AVAs asked how long the pilot phase would last for, and one asked for further clarification on any restrictions that would be placed on an AVA licence during this time. A fourth respondent noted that following the completion of the pilot phase an AVA may apply for an extension to their licence. They sought clarification as to whether this referred to the timeframe for the licence or to specific Diplomas or countries.

Response

383 It is our contention that, because each AVA is a separate entity making different strategic decisions based on different commercial imperatives, and likely to be operating in different contexts and markets, each AVA must participate in the pilot on an individual basis. AVAs will have different experiences and different levels of success within their international markets, and each will face different risks, challenges and benefits. An AVA wishing to participate in the pilot phase will be initially licensed for a period of two years under our revised proposal, on which we intend to further consult, while there will be certain other restrictions during the pilot phase, for example, on the number of countries the AVA can be licensed to operate in. These may be lifted to enable AVAs to operate on the basis of a credible plan (see section: 'The International Access to HE Diploma'), and we have suggested that the length of the International licence could be brought into step with the domestic licence if that was appropriate or desirable. The secondary consultation will also consider the terms of the licence and any additional conditions that might be in place for the protection of learners in particular. While AVAs will be subject to individual pilots, there will be opportunities for wider review so that both individual and cross-AVA experience is considered during the pilot phase.

Collaboration between organisations

384 One respondent reiterated that they were disappointed as they believed that the proposals indicated QAA does not trust AVAs to operate in the international market, repeating that many AVAs already operate 'very successfully' in the international qualifications market. They were concerned that the proposals did not set a positive or collaborative tone. A second AVA stated that although they recognised the commercial factors that may prevent it, they would be keen for AVAs to collaborate with one another to 'avoid pitfalls and disseminate a model that works to avoid reputational damage to individual AVAs and to the qualification and QAA'.

Response

385 QAA is both the regulator and custodian of the Access (see paragraph 170). As such we have an intrinsic interest in the success and development of the qualification. We consider the introduction of the IAHEd to be an important facet of Access' strategic growth and QAA's charitable objectives. However, our dual relationship with Access means that we cannot operate as other regulators do, and our relationship with AVAs and the qualification differs in this respect. QAA is committed to an approach which promotes trust between it and its stakeholders, and confidence in the Diploma first and foremost. We need to be conscious of, and respond appropriately to, the risks associated with expansion of the Access to HE Diploma into international markets for both QAA and AVAs (see paragraph 323) even where an organisation has prior experience of operating in that market. Our regulatory role means that while we can adopt a supportive approach, we are not able to prioritise collaboration specifically over other considerations. However, our requirements do not preclude AVAs from collaboration where they wish to do so.

Link between domestic and international licences

386 The relationship between domestic and international licences was a recurring theme, with four AVA respondents asking for clarification. It was again suggested that the international licence should be part of the existing (UK) licence, noting that it appears in the proposals that there will be a process for gaining a licence for the pilot, then a requirement to apply for a time limited licence. The AVA did not think this supports the QAA's intention to reducing regulatory burden. Another respondent questioned whether the international and UK licences are co-dependent. Their assertion was that co-dependency would decrease the likelihood of AVAs proceeding with an international licence as significant upfront investment would be required, particularly in the first two years of a licence.

Response

387 As per paragraph 76 onwards, the international licence will be granted separately, and an AVA will have to have a domestic licence in order to apply for an international one. Like domestic licences, international licences will be time-limited to a maximum of 5 years (on completion of the pilot phase). There will be no requirement for domestic and international licences to run concurrently with one another beyond the requirement of the domestic licence as a precursor to an international licence, although where we consider it proportionate this can be extended on a case-by-case basis to be brought in line with the domestic licence. We do not agree that a domestic licence with additional conditions would be sufficient to manage international operation given that this would result in less protection where the range and opportunities for risk are increased (see paragraph 325). We recognise that the process of applying for an additional licence will naturally incur some additional burden. It is for the AVA to consider and determine whether a licence to operate in countries outside the UK is suitable for their operation.

Timeline

388 Respondents shared alternative and somewhat conflicting views regarding the timeline for the pilot phase and introduction of international licensing. One AVA said that the expectation that the International Access to HE Diploma pilot to commence in the 2025-26 academic year would require AVAs to quickly establish new qualifications, processes, and partnerships within a four-month period, alongside the domestic licensing process. They went on to state that 'more realistic timelines' and additional support from QAA would be essential to ensure a smooth transition and successful implementation of the proposed changes. Another AVA urged that the pilot be postponed by 12 months, arguing that the timescales are 'too ambitious' and that the implementation of any changes will present additional regulatory burden during an already significant period of change. In contrast, one AVA stated that they were 'keen and ready to help support any pilot as soon as QAA feels it is ready to give international a shot'. They stated that they already had centres in international locations that have robust quality assurance processes in place and are already working with several UK universities through transnational education arrangements. One AVA expressed its concern at the length of time which has elapsed since AVAs contributed financially to QAA's work on developing an international licence and what has been achieved with that funding.

Response

389 As outlined in paragraph 337, QAA is committed to supporting the launch of the IAHE and funding from AVAs has been utilised to this end. We are very aware that many AVAs are keen to expand into international markets as soon as possible, so we do not feel it appropriate to delay the commencement of the pilot phase. Nevertheless, we recognise the challenges arising from the proposed timetable for the implementation of the revised Recognition Scheme and the pressures it may place on AVAs as they respond to both this and the opportunity to participate in the international pilot. As outlined above (see paragraph 9-11) the 2025-26 academic year will now be a full transition year where we will operate a rolling relicensing scheme. We hope that this will provide the relief needed so that AVAs can effectively manage and allocate resource to enable them to also participate in the IAHE pilot. Appropriate and realistic timescales for the subsequent delivery of the IAHE will be considered further in the upcoming consultation with AVAs.

Conclusion and next steps

390 We would like to thank all stakeholders who engaged with this consultation, either through engagement with the webinar or by submitting a consultation response, with specific thanks to those who took the time to provide detailed and thoughtful responses to the questions.

391 On the basis of our analysis of the consultation responses, we have decided to make a number of amendments to the proposals, including clarifications and additions to wording in the Conditions. All amendments have been outlined in further detail in the responses above and key changes are highlighted in brief in the Executive Summary.

392 QAA will now progress the changes to the Recognition Scheme in line with our analysis of the consultation responses as set out above, including consequential amendments to documents not consulted on. Following our processes these will be considered by the QAA Board for approval and implementation in March 2025. A further consultation on the IAHE is intended for early 2025.

393 If you have any questions about our response to this consultation, please contact the Access to HE team on ah@qaa.ac.uk in the first instance.

Annex A – Summary of amendments to the Conditions and Terms of the Licence

The table below summarises changes to the Standard Terms for the Licensing of AVAs (formerly 'The Licensing Agreement') and the Conditions where the wording has been altered in a significant way. Details of non-significant or minor amendments can be found in the main body of the document under the relevant section.

Condition/ Reference	Change
Terms – document title	Amendment to the title of the Licensing Agreement to ' <i>The Standard Terms for the Licensing of AVAs</i> ' (the 'Terms'). This was considered, on reflection, to more accurately represent the purpose and function of the document which sets out the Terms to which an AVA must agree to obtain and maintain a Licence.
Terms para 12	Where "An AVA must not itself be a provider of Access to HE Diplomas or a receiver of Access to HE students" the term receiver has been replaced for clarity with the following wording: "An AVA must not itself be a provider of Access to HE Diplomas or <i>an education provider that offers courses for which an Access to HE Diploma could meet the entry requirements.</i> "
A2.1: Responsible Officer	Amendment to remove specific timeframes from the Condition where these will be more appropriately be in guidance: "An AVA must notify QAA when it nominates a new responsible officer in line with the reporting timelines <i>set out in guidance.</i> "
A6.2: Access to HE Trademarks	Additional detail provided. "An AVA must ensure that it uses the Access to HE trademarks (Access to HE logo, recognition mark and wordmarks) <i>and compliance marks</i> in line with the requirements specified in <i>the regulatory document, Access to HE trademarks and compliance mark: Requirements for Access Validating Agencies.</i> "
A7: Student registration	Inclusion of differing registration requirements for students in Wales or in receipt of Welsh government funding: "An AVA is responsible for ensuring that students undertaking any Access to HE Diploma, whatever their mode of study, are: 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, <i>or eight weeks (56 days) for students studying at a provider in Wales or in receipt of Welsh government funding</i> "
B5: AVA monitoring of records	Clarification on the requirement to report: "[The AVA is responsible for...] 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

Condition/ Reference	Change
	change <i>being implemented</i> or immediately if the change relates to the withdrawal of provider approval."
C1.2: Requirement for an agreement between the AVA and provider	<p>Amendment to account for contextual consideration in information, advice and guidance in admissions:</p> <p>"[The agreement should include provisions which...] 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 <i>appropriate</i> entry requirements and funding status"</p> <p>Amendment to clarify ongoing nature of requirement:</p> <p>"[The agreement should include provisions which...] set out the requirements with which the provider must comply <i>and continue to comply</i> in order to deliver Access to HE provision"</p> <p>Inclusion of requirements to have arrangements which ensure concerns about providers can be communicated appropriately to manage risk:</p> <p>"[The agreement should include provisions which...] establish a sanctions policy to be applied in the event that the provider fails to comply with these requirements <i>including having in place arrangements that would permit the communication regarding any sanctions applied to be shared with third parties</i>"</p>
C2: Ongoing monitoring of providers	<p>Clarification of wording:</p> <p>"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 <i>and monitoring procedures</i>."</p> <p>Inclusion of requirement to enable appropriate communications about provider sanctions:</p> <p><i>"Where an AVA imposes a sanction in line with the preceding Condition it shall promptly notify any other AVA with which that provider is also offering Access to HE Diplomas."</i></p>
D1.2: Accessibility of Access to HE Diplomas	<p>Amendment to acknowledge remit of AVA's responsibilities with regards to accessibility:</p> <p>"As an awarding body, an AVA must ensure that the content, structure and delivery, <i>in as far as it is responsible</i>, of an Access to HE Diploma complies with relevant provisions of the Equality Act 2010."</p>
D2.1: Initial approval and validation of AHE Diplomas and courses	<p>Amendment for clarity, to distinguish more clearly between validation and approval.</p> <p>"Where an approved provider is seeking approval to run Access to HE courses based on an AVA-developed Diploma, <i>course approval procedures and criteria must ensure the provider is able to deliver</i></p>

Condition/ Reference	Change
	<i>courses in accordance with the specifications and requirements of the validated Diploma."</i>
D4: Diploma and course transfers	<p>Clarifications and the inclusion of a requirement for an AVA to notify the receiving AVA of relevant sanctions placed on a provider at point of transfer:</p> <p>"The AVA must ensure that where a provider wishes to move its Access to HE provision from one AVA to another, <i>the provider</i> makes arrangements to withdraw its provision from the current AVA and undertakes a provider approval and validation process with the new AVA."</p> <p><i>"Where an AVA has imposed a sanction on a provider in line with Condition C2 at the point of transfer, it shall notify the receiving AVA of this sanction."</i></p>
E1: Operationalising standardisation and moderation	<p>Inclusion of a requirement to participate in standardisation activities at the request of QAA:</p> <p><i>"An AVA should make all reasonable efforts to, and ensure that its providers have the opportunity to where applicable, participate in activities at the request of QAA which are intended to promote and ensure the validity, reliability and consistency of standards in the application of the Access to HE Grading Scheme."</i></p>
E4: Moderation (E4.5 – Moderator reports)	<p>Amendment to reflect the general requirement in the condition, with detail of expected behaviour to be included in guidance:</p> <p><i>"An AVA should ensure that it has in place and implements processes to respond promptly to individual moderator reports."</i></p>
F1: Qualification Recognition (F1.2 – Certification)	<p>Amendment to include reference to the provisions of the Grading Scheme to account for aegrotat and posthumous awards:</p> <p><i>"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 as approved by its final awards board and in accordance with the Access to Higher Education Grading Scheme."</i></p>

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