

<b>Title of policy</b>			
Access Validating Agency (AVA) licence surrender procedure			
<b>Policy statement</b>			
This document sets out the procedures that an AVA should follow, and the actions that the Quality Assurance Agency (QAA) for Higher Education will take, when an organisation surrenders its licence.			
<b>Strategic aim of the policy</b>			
To safeguard the security of arrangements for the recognition and quality assurance of Access to HE provision and to protect students' interests in the event that an AVA surrenders its licence.			
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<b>Link to other policies/procedures and guidelines</b>			
<ul style="list-style-type: none"> <li>• Access Validating Agency (AVA) licence withdrawal procedures</li> <li>• AVA licensing agreement</li> <li>• AVA licensing criteria.</li> </ul> <p>Please refer to:  <a href="http://www.qaa.ac.uk/access-to-he">www.qaa.ac.uk/access-to-he</a>  <a href="https://qaa.moodle.school">https://qaa.moodle.school</a></p>			
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V1.0	April 2018	A Karadia	First published version

V2.0	November 2018	J Mizon	The policy was updated in November 2018 to include an updated link to the Licensing Agreement Conditions (see point 4). Additional requirements added to Stage 2 (paragraph 15) in relation to intellectual property rights.
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# Procedures for the surrender of an Access Validating Agency (AVA) licence

## Purpose of the procedures

- 1 The purpose of these procedures is to make sure that when an AVA decides to surrender its AVA licence:
  - a plans are in place to protect students' interests while the AVA is completing the process for the surrender of its licence and responsibilities are transferred to another AVA (or AVAs)
  - b action is taken to ensure a smooth transfer of responsibility for recognised Access to HE provision to another licensed AVA (or AVAs), through a clear and managed process
  - c course recognition and effective quality assurance is maintained during the period leading to the surrender of the licence.

## Circumstances in which procedures apply

### Withdrawal from Access to HE activity

- 2 These procedures apply when an organisation that holds an AVA licence voluntarily withdraws from Access to HE activity for any reason, including:
  - a the organisation has decided to withdraw from Access to HE activity but plans to continue to operate for other purposes
  - b the organisation has decided to close.

### Merger

- 3 The main stages of these procedures also apply where an AVA plans to merge with another organisation (whether that organisation itself holds an AVA licence or not), although the particular details of requirements may vary according to the model for the merger (see Stage 2). Under no circumstances can an AVA licence be transferred from one organisation to a new, merged organisation.<sup>1</sup>

## Relationship with regulatory requirements

- 4 Under the terms of the Standard Conditions of AVA Licence<sup>2</sup> (condition 9) and licensing criterion LC28, AVAs are required to inform QAA of 'proposed changes' in a number of circumstances, including: proposed changes to an AVA's aims; its legal identity; the locus of authority for the AVA licence within the AVA's governance structure; the ownership of the organisation; and the name under which it operates. These requirements oblige AVAs to inform QAA of such changes before changes are made, whatever the reason for the change, including the surrender of a licence.

## Outcome

- 5 When all procedures have been completed, the organisation will no longer be recognised by QAA to approve Access to HE Diplomas or providers or to award

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<sup>1</sup> See also Procedures for AVA merger by acquisition of one AVA by another AVA and Procedure for AVA merger by acquisition by a non-AVA recognised awarding organisation <https://qaa.moodle.school>

<sup>2</sup> [www.qaa.ac.uk/en/access-to-he/access-to-he-resources](http://www.qaa.ac.uk/en/access-to-he/access-to-he-resources)

Access to HE Diplomas. If, at a future date, the organisation decides that it wishes to recognise Access to HE provision and award Access to HE Diplomas, it would need to apply to QAA for a new licence and be considered through the AVA licensing application process.

## Informal stages

- 6 The stages set out below describe the procedures involved for an AVA and for QAA, once an AVA has made a formal decision to take actions that confirm its intention to move towards the surrender of its AVA licence. If an AVA wishes to take QAA's advice about the process or broader implications for the surrender of its AVA licence or wishes to discuss any other circumstances that may lead to the organisation's withdrawal from Access to HE activity or surrender its licence (including merger plans), it may request a confidential discussion at an early stage, without commitment. AVAs considering such changes are encouraged to contact QAA as soon as possible in their deliberations: early informal discussions will help to expedite the formal stages.

## Formal stages

- 7 If an AVA makes a decision to take actions that reflect an intention to withdraw from Access to HE activity; or move towards organisational closure; or merge with another organisation the AVA must go through the following stages.

### Stage 1

- 8 **Inform QAA of the decision**, indicating the immediate actions planned and the broad rationale for its intentions. The AVA must inform QAA of its intention before it takes action which assumes a definite surrender date and before it makes the information public.
- 9 **QAA will invite the AVA to discuss its plans** and will provide information about the process to be followed, including any constraints that may influence the date at which the licence can be surrendered. (QAA will normally expect the effective date for the surrender of a licence to coincide with the end of an academic year.<sup>3</sup>) Where mergers are planned, representatives from both/all merging parties will normally be invited to join these discussions.<sup>4</sup> The outcome of these discussions will inform Stage 2.
- 10 If the AVA then decides not to pursue its plans, it may do so without penalty. In these circumstances, the AVA should inform QAA immediately of its decision.
- 11 Once an AVA has made a formal decision (as approved by its governing body) to take actions that will involve the surrender of its AVA licence, the AVA must:

### Stage 2

- 12 **Notify QAA of its decision** to surrender the AVA licence. The notification must be made in writing and must be signed by the Chair of the AVA's governing body and

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<sup>3</sup> An AVA will be liable for making a financial contribution in proportion to the period of the year for which it holds a licence (calculated on a quarterly basis for any part of the quarter for which the licence is retained).

<sup>4</sup> See also Procedures for AVA merger by acquisition of one AVA by another AVA and Procedure for AVA merger by acquisition by a non- AVA recognised awarding organisation <https://qaa.moodle.school>

the Chief Officer and be dated. It should indicate the date of the meeting at which the AVA's governing body confirmed the decision to surrender the licence and the intended date for licence surrender.

- 13 Where a decision to merge with another organisation has been made, the name of the other organisation should also be confirmed. Procedures for AVA merger by acquisition of one AVA by another AVA or Procedure for AVA merger by acquisition by a non-AVA recognised awarding organisation must be followed in the event of merger.
- 14 The notification can be sent to QAA by post, or by email as a PDF attachment, and should be addressed to QAA's Access Manager.
- 15 QAA requires the closing AVA to assign to QAA all intellectual property rights in the Access to HE Diplomas awarded and/or certified by the AVA. QAA will acknowledge receipt of the notification and will confirm the requirements for the surrender process, including an outline schedule for stages 3-6 and an undertaking from the AVA to assign to QAA all intellectual property rights in the Access to HE Diplomas awarded and/or certified by the AVA. QAA will also confirm the expected licence surrender date, by when all stages will have been completed and all AVA responsibilities will cease.
- 16 Once an AVA has formally notified QAA of its intention to surrender its licence, this is regarded as a formal commitment to complete the process. It can only be reversed by application to QAA's Access Recognition and Licensing Committee (ARLC). The ARLC will consider each case on its merits.
- 17 The AVA will then develop its plans and, in accordance with the timeline that QAA has provided, it must:

### **Stage 3**

- 18 Submit its licence surrender plans. The surrender plans must:
  - a confirm the licence surrender date
  - b state the stakeholder notification date,<sup>5</sup> when the AVA plans to inform providers and others of its plans (including points detailed under Stage 4)
  - c specify the main stages and proposed timeline for the processes associated with the completion of AVA responsibilities
  - d include a full list of the Access to HE providers that will be affected and the names of the Access to HE Diplomas that each provider is approved to deliver
  - e confirm that the awards and certification processes will be completed for students who complete the study requirements of their Diplomas before the licence is surrendered
  - f explain how the interests of students will be protected, with particular reference to plans and arrangements for:
    - students who may be registered with the AVA but who have not completed the study requirements for achieving the Access to HE Diploma when the AVA surrenders its licence

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<sup>5</sup> When a merger is planned, the merging organisations must agree a common date for the notification of both organisations' stakeholders in accordance with QAA's procedures relating to merger.

- students who have completed all the study requirements for a Diploma but for whom exceptional extensions have been given for a date beyond the surrender date.

19 **QAA will consider the AVA's plans and confirm** that they meet requirements or identify amendments that may be required. In particular, QAA will confirm the stakeholder notification date (see QAA actions, Stage 4). Any change to this date, or any other aspect of the licence surrender plans, must be discussed with QAA.

#### Stage 4

- 20 On the date identified as the 'stakeholder notification date', the AVA must **inform providers** and other stakeholders of its plans, including:
- a the date at which the organisation will cease to act as an AVA and key dates leading to this point
  - b the arrangements made to protect students' interests
  - c a clear statement of the actions that providers need to take (including choosing a new AVA for the transfer of its provision<sup>6</sup>) and deadlines for those actions
  - d the process for the transfer of provision, and the actions providers will need to take, including any deadlines for those actions
  - e any variations to the AVA's normal procedures that stakeholders can expect during the period up until the licence surrender date
  - f further communications that stakeholders can expect to receive from the AVA before its surrenders its licence.
- 21 **QAA will inform all other AVAs** (on the stakeholder notification date) that the AVA has decided to surrender its AVA licence and the effective date for this. QAA will explain to AVAs whether this results from a decision to withdraw from Access to HE activity; to close as an organisation; or to merge with another organisation. QAA will remind AVAs of the requirements that apply to the transfer of provision.
- 22 QAA will monitor the transfer of provision to ensure that arrangements have been made for the transfer of AVA responsibility for recognised Access to HE provision.

#### Stage 5

- 23 Throughout the period leading to surrender of the licence, the AVA must **continue to carry out its responsibilities** as a licensed AVA until the date of licence withdrawal, including:
- a maintaining all quality assurance arrangements
  - b meeting all requirements of the AVA licensing conditions and licensing criteria
  - c maintaining and update the Access courses database as necessary, marking records as not running and requesting records be discontinued on the database once transfers to other AVAs have been completed
  - d **cooperating with** AVA(s) to which providers are transferring provision, providing information to AVAs that will allow them to meet AVA licensing criteria relating to the transfer of provision, including:

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<sup>6</sup> An organisation intending to surrender its AVA licence must not attempt to influence providers' choices about the AVA to which they should transfer their provision. Providers can be directed to the contact details for all AVAs on QAA's Access to HE website [www.qaa.ac.uk/en/access-to-he/regulation-and-licensing/avas/ava-profiles](http://www.qaa.ac.uk/en/access-to-he/regulation-and-licensing/avas/ava-profiles)

- validation dates and documentation for current Access to HE Diplomas
- copies of the most recent moderators' and providers' reports
- information about students registered on the course at the transfer point
- awards records for previous years, for the purpose of meeting the AVA licensing criteria in this area.

## Stage 6

- 24 **Provide information to QAA**, as requested, including a final statement, by the agreed date, that all required actions have been completed and that the organisation has destroyed or discontinued its use of all materials (including paper and electronic documents) which display the Access to HE logo in conjunction with the organisation's name, or which make reference to the organisation's recognition by QAA. The AVA will also confirm that:
- a the certification process for students who have completed Access to HE Diplomas or achieved partial accreditation on Access to HE courses has been completed and, if it has not, the particulars of any outstanding issues or individual cases
  - b appropriate arrangements have been made to ensure that the AVA's records of awards of Access to HE Diplomas, and credits are either transferred (where the organisation is closing or merging) or are securely retained by the residuary organisation (where the organisation is withdrawing from Access to HE activity but will continue with other business)
  - c arrangements have been made for the formal closure and completion of all other AVA operations and the nature of any such arrangements
  - d there are no other outstanding matters of which QAA should be aware.
- 25 **QAA will write to the organisation** to confirm that it is no longer a licensed AVA and that it is no longer able to:
- a recognise Access to HE Diplomas
  - b award Access to HE Diplomas to students
  - c describe itself as an 'Access Validating Agency' or 'AVA'
  - d use any QAA trademarks<sup>7</sup> (including the Access to HE logo and the 'Access to HE' and 'Access to Higher Education' word marks) in relation to any aspect of its work
  - e suggest that it has a formal role or relationship to Access to HE or to QAA.

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<sup>7</sup> The terms 'Access to HE' and 'Access to Higher Education' are QAA registered trademarks for purposes including the validation, design, provision and certification of educational courses; and in electronic and printed media relating to such courses.

## **Other considerations**

### **Organisational closure**

- 26 Where the organisation that holds the AVA licence is closing, it is the organisation's responsibility to ensure that it follows due process in relation to matters such as staff employment, the dispersal of assets and notification to Companies House.

### **Unplanned closure**

- 27 If an AVA is forced to withdraw from Access to HE activity (for reasons other than QAA's withdrawal of its AVA licence), the cessation of trading procedures will apply. QAA will take action as may be necessary to protect students' interests and effect a smooth transfer or provision.

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*QAA manages the national framework for the recognition and regulation of Access to HE Diplomas.*

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