

<b>Title of policy</b>			
Access Validating Agency (AVA) licence withdrawal procedure			
<b>Policy statement</b>			
This document sets out the procedures that QAA will follow when the QAA Board has confirmed a decision to withdraw an AVA 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.			
<b>Document owner</b>		Access Manager	
<b>Approved by Access Recognition and Licensing Committee</b>		Date: November 2019	
<b>Published location</b>		<a href="https://qaa.moodle.school">https://qaa.moodle.school</a>	
<b>Link to other policies/procedures and guidelines</b>			
<ul style="list-style-type: none"> <li>• AVA Monitoring: Operational description</li> <li>• AVA Escalation activities: Operational description</li> <li>• AVA Licensing agreement</li> </ul> <p>Please refer to: <a href="https://qaa.moodle.school">https://qaa.moodle.school</a></p>			
<b>Acknowledgements</b>		Access Officer Governance Officer	
<b>Next review</b>		Date: November 2020	
<b>Version number</b>	<b>Date issued</b>	<b>Author</b>	<b>Update information</b>
V1.0	July 2014	J Farmer	First published version
V2.0	November 2018	J Mizon	The policy was updated in November 2018 to include the additional requirement at stage 1, paragraph 6 (bullet 6) in relation to intellectual property rights.

V3.0	November 2019	A Karadia	<p>The policy was updated at:</p> <ul style="list-style-type: none"> <li>- Stage 1, paragraph 6 to include data records for students and moderators</li> <li>- Stage 2, paragraph 8b to include requirements around data protection legislation relating to data transfers</li> <li>- Stage 2, addition of paragraph 9 and QAA's role in undertaking checks of receiving AVAs in relation to data transfers</li> <li>- Stage 3, addition of paragraph 11 confirming the receiving AVA(s) as data controller(s).</li> </ul>
------	---------------	-----------	--

# Procedures following QAA's decision to withdraw or withhold the renewal of an Access Validating Agency (AVA) licence

## Purpose

- 1 The purpose of these procedures is to make sure that when QAA decides to withdraw an AVA licence:
  - the process and expectations are clear and transparent to all parties
  - plans are in place to protect students' interests
  - responsibility for the recognition and quality assurance of Access to HE provision is transferred to other AVAs through a secure and managed process
  - the recognition and effective quality assurance of provision is maintained during the process of the withdrawal of the licence.

## Circumstances in which procedures apply

- 2 These procedures are followed when QAA makes the decision to withdraw an AVA licence, including occasions when the Access Recognition and Licensing Committee (ARLC) has made a recommendation to the QAA Board that the licence should be withdrawn because:
  - the AVA is judged to be 'high' risk by the ARLC and has repeatedly or persistently failed to take appropriate action set at the revisit, review, or following annual monitoring
  - the circumstances specified in the standard conditions of the licensing agreement have led to a decision to withdraw the licence.

## Action prior to the initiation of the procedures

- 3 Actions prior to the initiation of the procedures are detailed in the relevant operational procedures for AVA review, revisit and monitoring. In all cases, the procedures set out here are initiated only when the QAA Board has made a formal decision that the licence should be withdrawn. **Any requests for reconsideration and appeals from AVAs are made prior to this decision being confirmed.** Only under very exceptional circumstances would QAA consider restoring an AVA licence once procedures for withdrawal of the licence have begun.
- 4 Once the QAA Board has confirmed the withdrawal of an AVA licence, the following stages will be followed.

## Stage 1

- 5 **QAA will inform the AVA** that the decision to withdraw the licence has been confirmed, with reference to the evidence which supports its decision. (In most cases, this will have been provided in the report on the review revisit that led to the decision.)

- 6 The notification will state:
- The date for the final withdrawal of the licence.<sup>1</sup>
  - The final date (and any exceptions that apply) for the organisation's:
    - a award and certification of Access to HE Diplomas
    - b use of the Access to HE logo
    - c completion of all AVA activity.
  - Restrictions on the licence that apply prior to the withdrawal date. Normally, QAA will place immediate restrictions on the licence in relation to:
    - d development of new Diplomas and consultation with new providers
    - e validation and approval of new or transferred Diplomas and providers
    - f registration of new Access to HE students.
  - (Unless QAA states an exception to its standard practice of placing an immediate restriction on the licence to limit the validation and approval of new Diplomas and providers, no new Diplomas or providers will be accepted against an AVA's name on QAA's Access to HE Diploma database once a decision to withdraw the AVA's licence has been confirmed.)
  - Other key dates and specific requirements for AVA actions during the withdrawal period, including:
    - g the assignment to QAA of all intellectual property rights in the Access to HE Diplomas awarded and/or certified by the AVA transfer arrangements during the withdrawal period<sup>2</sup>
    - h data records relating to students and moderators.<sup>3</sup>
  - The AVA's responsibilities and requirements, regarding expectations for the continuation of quality assurance procedures and submission of statistical and other information to QAA.
  - Confirmation that, if necessary, the restricted licence has been temporarily extended to cover the planned withdrawal period.
- 7 **The AVA will acknowledge receipt** of QAA's notification of licence withdrawal and will prepare a plan for actions to affect a smooth transfer of provision.

---

<sup>1</sup> The date set for licence withdrawal in different circumstances may lead to different periods for the full process of withdrawal to be completed (up to a maximum of one year), depending on individual AVAs' circumstances and the need to ensure that alternative arrangements have been made for recognised provision which will adequately protect students' interests. QAA will therefore consider these matters in determining the date for licence withdrawal.

<sup>2</sup> Where an AVA's licence is to be withdrawn, the AVA 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 the [Access to HE website](#).

<sup>3</sup> As data receiver, QAA becomes the data controller for these data and holds the information securely in accordance with current data protection legislation requirements until it can be transferred to the receiving AVA(s).

## Stage 2

- 8 **QAA will notify the withdrawal decision** (and the effective date for the withdrawal of the licence) to:
- a **The AVA's providers** (by letter to the heads of all providing organisations), explaining the reasons for QAA's decision (normally provided through the report on the revisit that led to the decision to withdraw the licence); the timescales that apply; implications of the withdrawal for providers and for students; and providers' rights and options for transferring their provision to a new AVA.
- QAA will ask providers to acknowledge receipt of the notification of licence withdrawal; indicate whether the institution intends to continue with Access to HE provision; and indicate (at a later date) its decision about the AVA to which it intends to transfer its provision.
- b **Other AVAs**, reminding them of the requirements for the transfer of provision given in the AVA licensing criteria (including the need to update QAA's Access to HE Diploma database when transfers have been completed) and of current data protection legislation requirements to facilitate the necessary transfer of data between the closing and receiving AVA.
- c **The relevant funding body**, with particular reference to implications for the transfer of continuing students and loans that may be in place.
- 9 QAA will undertake the relevant checks of the receiving AVA to ensure it is adequately equipped to become a data controller and then will securely transfer the data to the receiving AVA.

## Stage 3

- 10 **The AVA will confirm that all its responsibilities have been completed** (including the transfer of Access to HE provision and the transfer of former awards records to other AVAs), and any other actions specified by QAA, and that there are no outstanding matters.
- 11 The receiving AVA(s) becomes the data controller(s).

## Stage 4

- 12 **QAA will monitor the transfer of provision**, seeking information from providers and AVAs to ensure that there are no unforeseen difficulties relating to the recognition and public funding of Access to HE provision arising from the withdrawal of the AVA's licence.
- If any provider has not informed QAA of its plans for the transfer of provision by the licence withdrawal date (and QAA has received no indication from a receiving AVA that the provision is being transferred), QAA will assume that the provider has decided to withdraw from Access to HE provision, and details of the provision will be removed from the Access to HE Diploma database.
  - If the organisation completes its withdrawal plan and all provision has been transferred prior to the original licence withdrawal date, QAA will withdraw the licence with immediate effect.

- If the organisation ceases effective operation prior to the completion of arrangements for the transfer of all provision, QAA will mediate arrangements between AVAs and providers (and funding bodies) to ensure the continuity of arrangements for the recognition and public funding of provision.

## Stage 5

- 13 **QAA will confirm that the licence has been withdrawn**, confirming to the organisation that the withdrawal of the AVA licence removes all powers granted or assumed under the licence and concludes all involvement in Access to HE by the organisation.

© The Quality Assurance Agency for Higher Education 2020  
Registered charity numbers 1062746 and SC037786

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

[www.qaa.ac.uk](http://www.qaa.ac.uk)