Merseyside
Open College Network

Contents

Foreword

1   The Quality Assurance Agency for Higher Education (QAA) is responsible to the Department for Education and Skills for the recognition of Access to Higher Education courses. QAA exercises this responsibility through a national network of authorised validating agencies (AVAs), which are licensed by QAA to recognise individual Access to HE programmes, and to award Access to HE certificates to students. The AVAs are responsible for implementing quality assurance arrangements in relation to the quality of Access to HE provision and the standards of student achievement.

2   QAA has developed a scheme for the licensing and review of the AVAs, the principles and processes of which are described in the *QAA Recognition Scheme for Access to Higher Education in England, Wales and Northern Ireland*. The Recognition Scheme is regulated and administered by the Access Recognition and Licensing Committee (ARLC), a committee of the QAA Board of Directors. The ARLC is responsible for overseeing the process of AVA review through which AVAs are periodically relicensed. The criteria applied by the ARLC and by review teams operating on the Committee's behalf, in reaching judgements about whether and under what terms an AVA's licence should be renewed, are provided within the Recognition Scheme documentation. These criteria are grouped under the seven principles that provide the main section headings of this report.

3   Following the review of an AVA, a member of the review team presents the team's report to the ARLC. The Committee then makes one of five decisions:

i   **unconditional renewal** of licence for a specified period;

ii   **conditional renewal** of licence with conditions to be met by specified date;

iii **provisional renewal** of licence with conditions to be met and further review visit by specified date;

iv   **withdrawal** of licence for operation as an AVA;

v   **temporary renewal** of licence with request for further information by specified date (decision suspended).

4   This is a report of a review of the AVA function of the Merseyside Open College Network (MOCN) undertaken by QAA. The Agency is grateful to MOCN and to those who participated in the review for the willing cooperation provided to the review team.

The review process

5   The review was conducted in accordance with the process detailed in the *QAA Recognition Scheme for Access to Higher Education in England, Wales and Northern Ireland*. The preparation for the review included an initial meeting between MOCN representatives and the QAA Assistant Director to discuss the requirements for the *Analytical Account* (the *Account*) and the process of the review; the preparation and submission by MOCN of its *Account*, together with a selection of supporting documentation; a meeting of the review team to discuss the *Account* and supporting documentation and to establish a draft programme for the review visit; and negotiations between QAA and MOCN to finalise the programme and other arrangements for the review visit.

6   The review visit took place on 7 and 8 May 2003. The visit to MOCN consisted principally of meetings with representatives of MOCN, including the Executive Committee; the Access to Higher Education Committee; moderators for Access to HE programmes; external members of recognition panels; Access co-ordinators; Higher Education admissions staff; and former Access students now studying in HE.

7   The review team consisted of Mr Mike Farmer, Head of Access and Continuing Education, University of Gloucestershire, and Dr Philip Bentley, Director of Faculty of Human Sciences, Shrewsbury College of Arts and Technology. The review was coordinated for QAA by Ms Kath Dentith, Assistant Director (Access).

The AVA context

8   The area served by MOCN comprises the metropolitan area of Merseyside, Cheshire and Lancashire. Access to HE programmes are available throughout this area, as well as one programme being delivered in Omagh, although most Access to HE provision recognised by MOCN is delivered in Merseyside. This is a region with low levels of participation and achievement in education and training and MOCN has as one of its core aims the promotion of widening participation through the range of its accredited provision. The organisation's Mission is to 'provide an effective, responsive and comprehensive accreditation framework for the recognition of learning…to provide wider participation, promote access and equality of opportunity', and the *Account* describes Access to HE as 'vital to the delivery' of that mission.

9   MOCN was first established in 1988 and was licensed as an AVA in 1990. It was initially developed as a project located within the then Liverpool Polytechnic, which at that time was controlled by Liverpool Education Authority. When the Polytechnic became incorporated (subsequently acquiring university status, as Liverpool John Moores University), MOCN achieved an identity which was

separate from the University. It remained within the LEA, however, and Liverpool City Council became the organisation's host. It is still closely linked to the City Council, although it is currently planning to become a company limited by guarantee and expects this to take effect in April 2004.

10   Membership of MOCN currently stands at over 180 organisations, with the 16 further education colleges (FECs) in membership generating 85 per cent of activity. The membership also includes all five higher education institutions (HEIs) within the region, two local education authorities, and a large number of voluntary, trades union and community organisations. The *Account* records that MOCN has over 40,000 registered learners, of which about 1,400 are on MOCN's recognised Access to HE programmes. Income associated with Access to HE accounts for approximately 18 to 20 per cent of MOCN's annual income.

11   The AVA was last reviewed in September 1996. The report of the review conducted by the Higher Education Quality Council (HEQC) included recommendations for action on a number of issues: updating its *Constitution*; clarifying members' rights and responsibilities; exploration of how the governing body could oversee discussion of policy matters; devolution of aspects of quality assurance; the establishment of a practitioner group to focus on Access to HE work; monitoring of moderation arrangements in the context of expanding demands and the greater complexity of programmes; consideration of standards of moderation reports; review of mechanisms to disseminate good practice; consideration of the availability of level 2 credits; the development of flexible, part-time and evening Access to HE provision; and the credit requirement for the award of the Access to HE certificate. The *Account* for the current review does not specifically monitor issues raised by the HEQC report but the majority of points have been addressed. Where there is continuity with the concerns addressed through the current review, comment is made in the course of this report, where appropriate.

AVA statistics 2001-02
(as provided by the AVA in its annual report to QAA for 2001-02)

12   Providers offering Access to HE programmes 20
      Programmes available   21
      Programmes running   16
      Access learner registrations   1,195
      Access to HE certificates awarded   609

13   The *Account* reports that 'although growth [in Access to HE numbers] turned into decline in the late 1990s Access to HE numbers are now starting to grow again'. The AVA's data returns to QAA reflect

such a pattern of a decline in learner registrations between 1997-98 (1,404) and 2001-02 (1,195), with the approximate 1,400 reported in the *Account* for the current year suggesting a possible reversal of this trend.

14   In line with national trends, there has been an increase in the development of provision into vocationally specific pathways, with successful recruitment to nursing and science, in particular, although social studies pathways continue to be the most popular.

Principle 1

The organisation has a structure which is based on a partnership of members, including institutions which provide Access to HE programmes and institutions of higher education.

15   MOCN is a membership organisation. Under its *Constitution*, ultimate authority is vested in the members through the annual general meeting (the Council of Members) and special meetings where called. The Council of Members elects an Executive, which in turn establishes various committees that are responsible to it (see paragraph 24, below). The Executive is accountable to the Council of Members though an annual report.

16   Procedures for the admission of members and criteria for membership are clear and appropriate. The *Constitution* authorises the executive of MOCN to make rules for the 'admission and classification of members...the rights of such members, and the conditions of membership'. The *Account* reports two classes of members, 'full' and 'associate'. All the HEIs, the FECs, and the providers of Access to HE programmes, are full members. There is no reference in the *Constitution* to these two separate classes of membership, and there appears to be no other formal publication that explains the classification rules. While the *Account* reports that 'associate members have no voting rights', the review team was informed that the distinction relates solely to the charging arrangements for certain services from MOCN (details of which are published by MOCN) and does not affect their constitutional rights. The review team considered that this position needed to be clarified.

17   There is a formal service level agreement (the Agreement) with Liverpool City Council, which is one of MOCN's members as well as acting as its host, and this agreement sets out the scope of services provided by the City Council. Under the Agreement, the City Council provides an annual audit of MOCN's financial activities; professional advice, covering leasing of premises, employment of staff, health and safety; and

invoice and order processing arrangements. The Agreement started in March 2002 and continues for three years unless terminated early by either party. The review team considers that the agreement with the City Council provides sufficient clarity about the nature of the relationship with regard to MOCN's responsibilities as an AVA.

18   The review team concluded that the criteria expressed under Principle 1 were met by MOCN: its overall structures demonstrate that it is a partnership of members; the Council of Members provides an opportunity for all member organisations to participate in the affairs of MOCN; and the number of members, and range of sectors from which they are drawn, provides MOCN with sufficient experience and expertise on which to draw in order to sustain its organisational viability. However, although membership rights are provided, the absence of a published definition of 'full' and 'associate' members may lead to some uncertainty in this area, and the team would recommend that the AVA publishes its classification of members into full and associate, together with their respective rights and conditions.

Principle 2

The organisation has governance structures which allow it to discharge its AVA responsibilities securely

Constitution

19   The *Account* reports that 'a revised constitution was adopted in February 2003', which 'has taken, for the most part, the *Constitution* adopted in September 2000'. The team noted, however, that, in spite of the formal adoption of the 2003 *Constitution*, a number of significant matters, such as the new committee structure and membership were still under discussion, and that more recent amendments had been agreed in April 2003 (see paragraph 24, below). Given that the AVA was, at the time of the review in May 2003, bound by the terms of its 2003 *Constitution*, and that this was the formal statement defining the governance arrangements for the AVA in the future, the review team's analysis of MOCN's governance structures is based on the details provided in the 2003 *Constitution*. In considering the operation of the AVA's governance, however, the team, necessarily, was primarily considering evidence about operational effectiveness of the AVA in the context of the constitutional structures which had operated hitherto. Nonetheless, the team noted the AVA's intentions to review and develop its governance structures further, and took into account all the evidence made available to it, both written and oral, in forming its judgements about the effectiveness of the AVA's governance and security of the AVA licence for the future. Reference to 'the *Constitution*'

hereafter refers to the 2003 *Constitution*, unless otherwise stated.

20   The *Account* explains that the rationale for the changes was 'to improve scrutiny of the operation of MOCN, to ensure compliance with its licence obligations and focus the work of members of the Executive and committees where their expertise [could] best be used'. The *Constitution* had been designed, in particular, to address the issues of the effectiveness of the committees and regularise the place in the structure of the Access to HE Committee. At the same time, the changes made to the *Constitution* were designed to help prepare MOCN to assume the legal status of a company limited by guarantee and the *Constitution* includes a *Memorandum and Articles of Association*. The question of the current legal identity of MOCN and the planned transition to company status are addressed in detail under Principle 3.

21   The *Memorandum* appropriately sets out MOCN's name; mission; objects (including 'widening participation in education and training'); aims (including 'access to community, further and higher education') and powers (including 'to offer awards, including credit certificates, Access to HE certificates'). MOCN intends to review its mission and aims during the period May - September 2003.

22   The *Articles* introduce new structures for the organisation's governance. An Executive, with the number of members specified as 'not less than 8 but no more than 12', replaces the Governing Body of 20 members which existed under the 2000 *Constitution*. The quorum for the Executive is one third of its membership, or three, whichever is the greater. Seats on the Governing Body were, until April 2003, reserved for members from different sectors: seven seats were reserved for further education and two for higher education. However, there is now no constitutional requirement for such reserved seats on the Executive, although it has comparable functions to the former Governing Body. The review team was provided with the names of 16 people who had been members of the former Governing Body and who had agreed to serve on the Executive from April 2003. The team was concerned to note that, while several different sectors were represented on the new Executive, none of the current 16 members was from higher education.

23   The *Constitution* requires that membership of the Access to HE Committee, however, is drawn from certain specific sectors. It should comprise, in addition to the Chair, up to five from HEIs, up to five from Access to HE providers, and representatives from other organisations in membership. In the context of the perceived need to provide constitutional safeguards for certain sectors on the Access to HE Committee, and given the previous safeguards over membership of the

Governing Body, it is surprising that no such safeguards have been included over membership of the Executive in the *Constitution*. This may be an oversight. Officers whom the review team met reported that they believed that such safeguards continued to exist, but they were not evident in the *Constitution*. As a result, currently, those involved in the delivery of Access programmes and receipt of Access students cannot be certain that their interests in this area will necessarily be represented on the AVA's most senior committee. In addition, the organisation is not protected from the potential for undue influence to be exercised by a small group of members from one sector. MOCN therefore needs to take steps to formalise in its *Constitution* the previous arrangements that ensured representation on its Executive from members representing a range of sectors, including those from both further and higher education.

Governance

24   The *Constitution* provides for the establishment of an Executive and four committees: Finance and General Purposes; Human Resources; Quality Assurance (QAC); and Access to Higher Education. In practice, there are only three committees. The first meeting of the Executive on 1 April 2003, following the adoption of the *Constitution* by the Council of Members in February 2003, decided to merge the first two committees and combine their terms of reference as the Finance and Staffing Committee (FSC). Representatives of MOCN acknowledged to the team that this would require a further change to the *Constitution*.

25   The functions of the Executive include appointing and supervising the work of committees described in the *Constitution* and it may establish other sub-committees. It is also responsible for ensuring that committees operate within Nolan principles. Each of the committees is responsible to the Executive, and is chaired by a member of the Executive. Apart from the requirement for the FSC to produce an annual report detailing the financial position of MOCN, the *Constitution* does not stipulate the mechanisms by which the committees should report to the Executive. The *Account* refers to a 'reporting structure whereby each Committee Chair will report the work undertaken by that committee to the Executive', although the minutes of the Executive to date do not indicate that minutes of committees have been considered by the Executive as a matter of course. Minutes of the Governing Body over the last two years include some reports from committees, but do not always specify how reports were made. In some cases, it is specifically minuted that the report was 'verbal', and agendas of meetings of the Governing Body since October 2001 specify that committee reports would be 'verbal'. Members of the Executive stated that, when reports were made, the practice varied between oral

reports and consideration of minutes. Under these circumstances, it is difficult for the Executive to ensure that responsibilities devolved to its committees are being carried out effectively and, in particular, to monitor that the Access to HE Committee is fulfilling its major AVA functions. It is also difficult for the Executive to ensure that all committees operate within Nolan principles. Since the review, the AVA has reported that it had been agreed that, 'where minutes of a committee were unavailable then the Chair of the Committee should report verbally to the Board, with minutes being sent out with the Governing Body minutes'. The review team would therefore recommend that this decision be formally recorded and that the AVA adopts the receipt of committees' minutes as the standard mechanism for reports between committees. Where minutes are unavailable, they should be circulated after the meeting and their receipt formally recorded in the minutes of the following meeting of the Executive.

Committee responsibilities

26   In addition to its responsibilities for establishing and supervising the work of committees, the Executive is responsible for the strategic overview and direction of MOCN. Also included in its terms of reference are responsibilities for appointing staff; adequate resourcing, including staffing; MOCN's licence obligations to QAA; and systems for the ratification of all credit awards for Access to HE.

27   The FSC has responsibility for finance reports; reserves and their use; acquisition and disposal of assets; negotiation of contracts and leases; capital expenditure; and human resources and staffing matters. The QAC is required to scrutinise quality assurance processes and systems, and its specific responsibilities include meeting the accreditation requirements of NOCN; MOCN systems and procedures; self-assessment of the organisation; overall quality of MOCN services and activities; and receiving and reviewing complaints.

28   The Access to HE Committee is responsible for all matters relating to the quality assurance of MOCN's operation as an AVA licensed by the QAA. The Committee's terms of reference are comprehensive and appropriate to its role, and responsibilities include confirming approval of Access to HE programmes; monitoring the operation of the approval process; monitoring and reviewing the operation of moderation systems; monitoring the award of the QAA-recognised certificate; confirming withdrawal of recognition of any programme failing to meet required standards; agreeing and confirming action on any programme as an outcome of any moderation process; advising the QAC on any issues or policies arising which impact on MOCN's overall quality systems; and advising MOCN

Merseyside Open College Network

on any local or national issues which affect MOCN's work as an AVA.

29   The *Constitution* locates MOCN's Access responsibilities clearly within the governance structures. Overall responsibility for MOCN as an AVA rests with the Executive. Responsibility for Access to HE programmes, for the granting of, and withdrawal of recognition, for their moderation, for awards, and for advice to the Executive on MOCN as an AVA, are explicitly vested in the Access to HE Committee.

Operation and effectiveness

30   The *Account* refers, 'in connection with constitutional changes' to the need 'to improve scrutiny of the operation of MOCN' and reports that the lines of accountability in respect of Access to HE did not function according to the description in the 2000 *Constitution*. The Director explained that a number of key members of the Governing Body from higher and further education, including the long-standing Chair, had recently stepped down, and the AVA had experienced problems in chairing and attendance at meetings, leading to inquoracy and the need to cancel meetings, including those of committees with key responsibilities for the effective direction and oversight of the AVA's activity. The review team noted that minutes of the Governing Body recorded on a number of occasions in the two years leading up to the review visit that there were difficulties in achieving sufficient attendance at committee meetings to achieve a quorum. Some meetings were cancelled or postponed due to the number of apologies sent in advance, and, on occasions, meetings were chaired by an officer of MOCN. Between September 2002 and March 2003, one meeting of the Governing Body, two meetings of the Access to HE Committee, two meetings of the QAC and one meeting of the Human Resources Committee were either cancelled or postponed. At the time of the review visit, the Access to HE Committee had not met since June 2002. Members of the Executive reported that a considerable amount of time had been spent discussing problems of attendance and that the failure to hold the meeting of the Governing Body scheduled for February 2003 - at which the Governing Body was to consider the new *Constitution* before it was put to the Council of Members for approval - had constituted a 'wake-up call'. Members of the Executive drew attention to the need for committee members to shoulder their responsibilities. The review team noted and concurred with the view expressed that this would be critical in the planned move towards company status.

31   While the Executive's responsibility for the annual AVA report to QAA is not explicitly stated, it might be inferred as included in its obligation to ensure that MOCN meets its QAA licence requirements. The minutes of the Governing Body do not record this report having been considered or approved. The members of the Executive who met the review team did not recall having discussed it. The Director reported that it had been approved by Chair's action after having been circulated to members for comment. The review team would recommend that MOCN makes responsibility for considering and approving the annual AVA report to QAA more explicit. The team also noted that the Executive had not considered the *Account* for the present review before it was forwarded to QAA, and that the members of the Executive whom the team met had not seen the *Account* prior to the review visit.

32   The responsibilities of the Access to HE Committee include confirming the approval of Access to HE programmes. The data returns in MOCN's annual reports to QAA show that one new programme was recognised in 1999-2000, three in 2000-01 and one in 2001-02. The team was provided with minutes of those meetings which took place during the two years prior to the visit. The minutes of the November 2001 meeting record that a number of new/revised programmes were approved by the Committee. However, the team also saw correspondence between MOCN and an Access to HE provider, which indicated that one programme, approved by MOCN in September 2002 during the period when the Committee had not met, had been approved following a meeting of a recognition panel. The review team concluded that MOCN should take steps to ensure that the Access to HE Committee consistently discharges its major AVA responsibilities, in particular the approval of Access to HE programmes.

33   MOCN may also wish to promote the active involvement of this committee in the annual AVA report to QAA. There is no record of the annual AVA report for 2000-01 to QAA having been considered by the Committee and, since it had not met since June 2002, it had not been able to consider the *Annual Report* for 2001-02 or the *Account*.

34   The review team was informed that training for committee members was being considered. The team would recommend that MOCN considers further steps to develop the active involvement of its members in its committees. The team also recommends that the AVA formalises its arrangements through which urgent business can be conducted if a committee is unable to meet or is inquorate.

35   The review team concluded that MOCN would need to take a number of actions in order to meet the criteria expressed under Principle 2. Specifically, the AVA should: include within its *Constitution* explicit requirements for membership of the Executive, which ensure that there is representation from members from a range of sectors including those from both further and higher education; update and formally approve its *Constitution* to take account of recent changes, and in doing so include a statement of its legal identity; ensure that all its committees discharge fully their responsibilities as set out in their terms of reference in the *Constitution*; and ensure that its officers do not exercise the responsibilities of committees or their chairs.

Principle 3

The organisation is aware of, and in position to meet, its legal and public obligations

Legal identity

36   MOCN's *Constitution* does not specify its legal identity, although, no other form of identity having yet been established, it currently exists as an unincorporated association, with the various limitations which follow from this status in relation to its ability to enter into certain forms of legally binding agreements. It functions as part of Liverpool City Council, and the service level agreement (see paragraph 17, above) governs its relationship with the Council. The purpose of the Agreement is 'to confirm the relationship between the City Council and MOCN with regard to the scope of its legal identity, its operational independence, and the scope of services provided by the City Council'. In pursuance of this, the Agreement states that the City Council 'recognises MOCN as an autonomous unincorporated association'.

37   Following a recent evaluation of this position, MOCN has adopted a strategy to move away from its relationship with the City Council and to achieve full independence through the formation of a company limited by guarantee. The target date for completion of this change is 31 March 2004. The change is supported and encouraged by the City Council as part of a general policy, and practical support will be provided by the Council's legal department. Solicitors have been engaged to begin the process of setting up a company, and developments in this area are being monitored by the Executive. These are positive developments which will relieve the AVA of a number of risks to its operation. However, the AVA will be subject to the inherent risks of its present situation until these changes are implemented. If plans proceed according to current timescales, this process will be brought to a satisfactory conclusion in March 2004. If those plans are

held up, the risks of the present situation will persist. The comments which follow are made in the context of this situation, with awareness of the possibility that plans made are not always brought to fruition in the timescale envisaged.

Independence

38   The Agreement states that 'the City Council will in no way seek to influence or constrain the powers of MOCN to discharge its stated functions outlined in its *Constitution* and strategic and operating plans beyond its entitlement as a member of MOCN'. The terms of the Agreement detail the services provided by the City Council and the safeguards required by the Council for financial probity, including oversight of budgets and audit arrangements. MOCN is also required to submit an annual business plan to the City Council for approval, and staff are employed under pay and conditions agreed with the Council. The Agreement states that 'whilst not seeking to influence the autonomous nature of MOCN, in the event of failure to meet the agreed annual business plan all City Council decisions relating to financial and staffing matters will be final and binding'. The intention, from the perspective of the City Council, is no more than the responsible exercise of necessary financial controls in relation to services provided, and there is no evidence of any intention on the part of the City Council to interfere with independent operation or decision-making of the OCN. The effect, however, for the OCN, because of the extent and nature of financial controls, is to place constraints, actual and potential, on the OCN's ability to act entirely independently. MOCN has recognised that its independence is compromised by this situation, and the *Account* describes the relationship as 'unsatisfactory because it (does) not guarantee that the long-term development and operation of MOCN would remain independent of influence by the City Council'. The view that MOCN was not independent was reiterated by the Director during the review visit, and the team noted his view that the City Council 'owns' MOCN.

39   The Agreement states that the City Council 'recognises the separate legal identity of MOCN with its members sharing collective liability'. However, it was not clear that the implications of this situation were fully appreciated by the OCN or its members, and the review team was concerned to note that, given the potential risks of this situation, there was no evidence to demonstrate that any steps had been taken by the AVA to limit its liability or that of its individual members, as required by the AVA licensing criteria for AVAs in such a position.

40   Although the situation is under review, it is clear that, under current arrangements, MOCN does not meet

the criteria for Principle 3. The *Memorandum of Agreement* provides clarity about the terms of the relationship between the AVA and the City Council in a number of key areas, and allows the AVA to benefit from the provision of services by the City Council within clear parameters which define the nature of the City Council's oversight of MOCN's finances. At the same time, however, the Agreement also allows the Council to make decisions and take actions relating to the AVA's finances and staffing which could lead to the independence of decision-making and the operation of the AVA being severely compromised. In addition, while the Agreement specifies that liability is the collective responsibility of MOCN members, appropriate action has not yet been taken by the AVA to protect members' interests. While the achievement of company status, if properly implemented, should limit members' liability appropriately, this is not due to be implemented until 2004. If these plans fall through, or are delayed, alternative means will need to be found to achieve independence and limit the liability of members.

41   The review team concluded that, in order the meet the requirements of Principle 3, the AVA should either take on company status, in accordance with its current plans, or should achieve full independence by other means.

Principle 4

The organisation is able to manage effectively its AVA responsibilities and the structure which supports them

Planning processes

42   The Executive is responsible for the strategic overview and direction of the AVA, although it was its predecessor, the Governing Body, that approved the current three-year *Strategic Plan* which has not been revised since 2000 and was due for review at the time of the visit. The Executive also approves the annual operational plan. This plan provides explicit and appropriately detailed information on planned operational activities; performance measures or outcomes; staff involved; the committee or person responsible for monitoring; and the planned completion date. Reports of progress on the implementation of the operational plan are a regular item on the agenda of the Executive.

Aims and targets in relation to the AVA and Access to HE provision

43   The *Strategic Plan* has five key areas of development supported by eight strategic aims. While most of the key areas and aims are compatible with the development of the AVA and Access to HE provision, in none of them is

there explicit reference to Access to HE provision or AVA functions, or to progression to higher education more generally.

44   The Operational Plan 2002-03 is organised against the eight strategic aims, with 30 separate operational activities listed, together with 40 associated performance measures. One of the 30 operational activities is 'successful quality audit by QAA' with 'QAA licence renewed' as the outcome. Another of the 30 operational activities is for MOCN to 'act as regional focus for curriculum development activity' in relation to six curriculum areas, one of which is Access to HE. The outcomes include 'regional programmes written and implemented for each area'. Other than these, there are no explicit references to the work of MOCN as an AVA among the AVA's operational plan or planned operational activities.

45   The *Account* acknowledges the absence of explicit reference to Access within the *Strategic Plan* and comments that 'the changing environment and government policy with respect to Access to HE is not fully reflected within the strategy of MOCN'. The Director also acknowledged the lack of a clear strategic steer in relation to Access to HE, but he anticipated that future strategic and operational plans would include explicit targets in this area.

46   The review team concluded that the planning processes, whilst systematic, are limited in their scope in that they have allowed the omission of Access to HE, as a significant element of the business, from the strategic and operational plans. The Access to HE Committee does not appear to be involved in the planning processes, and, although it does have the power to advise MOCN on any local issue which affects MOCN's work as an AVA, its terms of reference do not include any explicit reference to monitoring business developments. As the current Executive does not have any representatives from higher education institutions, and the Executive does not have any regular means of consulting institutions about its plans, the team was concerned that the AVA's strategic and operational planning, and the new strategic plan which is soon to be developed, were not subject to review by any body representing the full range of Access-related interests.

Resources and financial management

47   The Executive's terms of reference include responsibility for adequate resourcing of the network, and finance reports form a regular item on its agenda and are normally made by the Director with supporting papers. This is consistent with the *Constitution's* definition of the role of the Director as 'accountable to the Executive and responsible for the day-to-day management of the OCN within the

strategic framework set by the Executive'. The new FSC's terms of reference include responsibility for reviewing financial reports and for advising the Executive on any necessary action.

48   Under the terms of its Agreement with the Council, MOCN is responsible for raising the necessary revenue to support its operation, other than certain services provided by the Council (payroll services and professional advice of up to 50 days per annum covering leasing of premises, employment of staff, health and safety, invoice and order processing). MOCN produces and agrees a budget, which is subject to formal agreement by the City Council. It operates its budget as a 'devolved cost centre with full cash and banking facilities', and may carry forward any surplus on its operations made in one year to the next financial year. MOCN is required to contract for an annual financial audit with the Council or another party agreed with the Council, and to supply copies of regular reports on its financial status to a named officer of the City Council. MOCN is able to produce annual statements of income and expenditure, but these are not audited separately from those of the City Council.

49   The current arrangements are closely linked to those of the City Council. The *Account* reports that there are benefits in terms of costs of audit, invoicing and collection of money, but disadvantages in terms of the loss of flexibility and immediacy of service. The Agreement with the City Council also requires duplicate accounting procedures, one to meet the Council's requirements and one that links with MOCN's internal systems and its database, with reconciliation between the two. Adequate internal procedures, which can operate outside the confines of the City Council, appear to be in place, but MOCN will not be able to demonstrate this fully until after independence is achieved.

50   MOCN achieved an operating surplus in each of the two years prior to the review visit. The Director reported to the team that the OCN is aiming to accumulate the equivalent of six months' operating costs as a contingency reserve by the time company status is achieved in March 2004.

Policies and procedures

51   MOCN is required to adhere to the City Council's equal opportunities policy. This covers the role of the Council as an employer and in the provision of services: the main effect of the policy on MOCN is in respect of employment practices. The policy states that the Council will 'promote equal opportunities in those organisations and agencies who receive direct benefits in kind and will, whenever possible, encourage private contractors and suppliers to adopt similar policies and

procedures'. This policy is not wholly appropriate to MOCN's aims and functions, and MOCN has no additional statement to cover the absence in the City Council's policy of matters more relevant to the AVA's functions, for example, relating to equality of access to educational opportunities.

52   MOCN publishes substantial documentation describing its operational procedures both in printed form and on its web site, including the *Quality Assurance Handbook*, *Curriculum Handbook*, *Administration Handbook*, the *Handbook for Moderators* and the *Handbook for Internal Moderation Co-ordinators*. These all have specific sections on Access to HE, where these procedures vary from the norm for other MOCN-recognised provision. Some of these sections are in need of updating to amend or delete references to HEQC, FEFC and the Access 'kitemark', and the review team recommends that this is addressed at the next revision of these documents.

Management and staffing

53   The Agreement with the City Council permits MOCN to appoint up to 20 permanent and five casual staff, and at present it has 17 staff (15.4 FTE) with one vacancy.

54   Responsible to the Director are two second-tier posts: the Programme and Awards Manager and the Business Development Manager. The Programmes and Awards Manager is responsible for operational management and finances; personnel; quality assurance and information systems; programme administration; central services; registrations and awards units and servicing committees.

55   The Business Development Manager is responsible for business development; marketing; and monitoring and reviewing quality and standards within business development and quality assurance functions. The Business Development Manager is also responsible for Access to HE matters and, in this role, she will report to the Access to HE Committee. The role of Business Development Manager was newly established in November 2002 and the post-holder started in March 2003. At the time of the review, it was unclear how the individual concerned would be expected to balance the business development and Access demands of the new role, or how much time she might be expected to allocate to each.

56   Other staff work within one of five 'units' (Business Development; Quality Assurance; Programmes Administration; Registration and Awards; and Central Services). Within the Business Development Unit there are three curriculum officers, all of whom include Access to HE within their responsibilities. They are responsible

for advice, guidance and support for programme development, and staff development for tutors. Within the Quality Assurance Unit there is a Quality Officer and two moderation officers. Between them, they have responsibility for all aspects of moderation, including moderator training, and all matters associated with assessment and standardisation. MOCN also has a range of other clerical and administrative staff supporting the other three units. It appeared to the review team that staffing was adequate for the AVA's requirements.

Premises

57   MOCN leases a suite of offices which house all of the AVA's administrative, support and management functions, including a room for training and meetings. The offices are currently located on two floors and MOCN is negotiating to move office space on to one floor. No particular problems about continuation of the lease once independent company status is achieved are currently anticipated.

Data collection and management

58   MOCN uses the Advanced Revelation (ARev) data management system to record its data, and employs a Management Information Administrator to manage the system and compile returns to monitoring agencies, including the annual data return on Access to HE programmes, providers and students, supplied as part of the annual report to QAA. The Programmes and Awards Manager is responsible for ensuring that the requisite data systems are in place. The management information administrator is responsible for entering the data and producing the data report, and should query any data that does not 'look right'. The Director, as the person responsible for writing the report for QAA, is also responsible for checking the data.

59   Access to HE co-ordinators whom the team met were not aware of the report, or of the data contained in it. They expressed surprise when the team drew their attention to the proportion of Access students from MOCN (about 50 per cent) for whom the data for 'Intended Progression' has been returned as 'unknown' over the past four years. The expectation of co-ordinators was that the proportion of learners recorded in this category should have been much lower.

60   The review team has concerns about the reliability of some of the AVA's data on Access students and programmes. The *Annual Report* to QAA for 2001-02 stated that 'all the caveats about the adequacy and sufficiency of data returns, noted in last year's report, still apply to this data analysis', and the *Account* reports that 'there are still significant data returns for which "don't know" is a response'. MOCN thus appears to

recognise that there are some problems with its data. While it has reviewed its data collection methods and its analysis and use of data for management, no active steps have been taken yet to try to address the reason for the significant number of unknowns in the data returns. Verification procedures do not, as a matter of course, involve checking the data with Access to HE providers, and the review team would recommend that the AVA introduces such a process to improve the accuracy, completeness and validity of the data presented. The team would also recommend that the AVA considers how it might make more systematic use of the data it collects as part of its dialogue with providers, and, through its committee structures, for AVA planning and development purposes.

Support and communications

61   MOCN has established a range of communication methods with providers of Access to HE programmes. Each provider is allocated a development officer who provides a direct contact with MOCN about any issues that arise. Other forms of communication include MOCN standard publications, regular newsletters and its web site.

62   In addition, three times per year MOCN arranges a meeting of an Access to HE Practitioners' Forum, chaired by an MOCN officer. All providers, and sometimes others, such as HE admissions tutors, are invited to Forum meetings. The Forum operates as a curriculum support vehicle and enables good practice to be shared among practitioners. It also allows providers to discuss matters of mutual interest and concern, which can be reported back to the AVA through the AVA's officer. Access to HE co-ordinators who spoke to the review team considered this Forum useful for two-way communication about local and national issues.

63   The review team concluded that MOCN's operational structures and procedures were broadly sound and appeared to be operating effectively. However, the goals to which the AVA is working for its Access activities are not clearly stated and, in order to meet the criteria expressed under Principle 4, the AVA should therefore ensure that its *Strategic Plan*: includes explicit reference to plans for its work as an AVA; is approved by its Executive; and that in monitoring the achievement of the *Plan*, full use is made of the data on Access to HE programmes and students provided by the AVA as part of its annual report to QAA.

Principle 5

The organisation is able to assure the quality and fitness for purpose of Access to HE programmes at the point at which they are granted formal recognition

Programme development

64   MOCN has established mechanisms for developing programmes. A *Curriculum Handbook* is issued, which clearly explains the AVA's procedures for programme recognition, from development through to final approval. The *Handbook* is revised annually and is available to all member organisations and through the MOCN web site. These comprehensive and standardised guidelines provide for consistency of approach, and contribute to the clarity and transparency of programme development and recognition procedures. The development phase is overseen by MOCN's curriculum staff, who provide advice about the AVA's requirements and matters such as assessment and internal moderation.

65   MOCN has two strands of development, one relating to programme development, and a separate process which focuses explicitly on the development of individual units. Units are available either as existing units from the database or new units may be developed. For those wishing to develop new units, there are guidelines on the appropriateness of levels, credit values, learning outcomes and assessment criteria. MOCN has developed extensive support documentation for programme development, using standard systems and checklists to ensure that all stages in the process are logged and monitored through the ARev database.

66   New units are vetted by curriculum experts prior to approval panels meeting. The normal procedure involves the moderator, or other subject specialist, who is sent the unit details and asked to consider the appropriateness of the unit's content, level, learning outcomes and credit value, and asked to submit written comments before the full programme approval panel takes place. The *Account* explains that 'comments from external experts are then incorporated into the final draft of the unit'. This process has been adopted with the intention of speeding up the approval panel system, and discussions with both the moderators and the Access co-ordinators indicated that this was regarded as a positive and effective enhancement of the process. The use of HE staff, in particular, as curriculum specialists, assists in confirming the appropriateness of the unit's content for learners' progression intentions and HEIs' admissions requirements. There is, however, a lack of clarity in the AVA's documentation about exactly where responsibility lies for unit approval, and the AVA's mechanism for recording the formal approval of units. The *Programme Approval Processes Guidance Notes* explain

that 'Units will already have been approved by external subject specialists prior to the panel', suggesting that responsibility for unit approval lies directly with the subject specialists. The process is described slightly differently in the *Programme Approval: Guidance Notes*, which explain that 'The units that make up the programme will be approved by MOCN with external contributions where appropriate'. While both documents, therefore, indicate that unit approval takes place before a programme approval panel takes place, it is not clear whether it is the subject specialists themselves who are responsible for approving units, or whether approval decisions are made by the AVA 'with external contributions where appropriate'. Moreover, it is not entirely clear how such decisions made in respect of the appropriateness of units are taken forward and the units formally recorded as approved by the AVA. (See also, paragraph 71, below.)

67   Programme documentation that has to be submitted for the approval process requires providers to specify a range of appropriate information about a prospective Access programme, including: its aims; target groups, targeting and recruitment strategies; pre-entry requirements; details of all units, specifying assessment requirements; programme structure (including details of sequencing of units and distribution between mandatory and optional units); number of credits available; teaching and learning strategies; learner support mechanisms and resources; and identified progression routes. There is specific emphasis on providers' internal quality assurance regimes, including requirements for information about the monitoring of assessment strategies and their appropriateness for the programme's target group and expected progression routes. Samples of internally moderated work are required to be retained to provide a benchmark of achievement for each year of programme delivery, and these samples can be used as a standardisation tool by providers.

Programme approval

68   Programme approval panels take place once the necessary documentation has been completed. Panel members are issued with programme documentation and guidelines on the panel and approval processes, with additional guidelines being issued to tutors presenting the programme. This provides panel members with appropriate information to ensure that they are clear as to the purpose of the panel, that roles and responsibilities are established, and that the panel operates effectively and efficiently. Panels are chaired by curriculum officers, normally someone other than the officer who supported the development of the programme, although, on occasion, it has sometimes been the same officer. In order to promote the impartiality of the process, the review team considered

that MOCN should ensure that if an officer of the AVA chairs an approval panel, that person has not been involved in the development of the programme.

69   The approval panel procedures (outlined in the *Recognition Panel Chairing Procedures*) require: consideration of credits and levels; programme organisation and coherence; clarity and appropriateness of assessment methods, and the means by which assessment strategies can consistently produce measurable evidence to meet the requirements of moderation; and internal quality assurance requirements, with reference to establishing and monitoring standardisation.

70   At the approval panel, all conditions, textual amendments and recommendations are recorded; credits, levels and periods of approval are agreed; and moderators are appointed. The panel is expected to confirm the criteria for the award of the Access to HE certificate. Although most programmes require the achievement of 24 credits for the award of the Access certificate, and this is regarded by MOCN as its standard requirement, the review team was unable to find this recorded as a formal requirement, and there is currently some variation in the number of credits required for the award of the Access to HE certificate among MOCN-validated Access programmes. The AVA raised this issue in its *Annual Report 2001-02*, noting that there was a variation in credit requirements and stating that this was an issue which MOCN was 'keen to address'. The issue was also raised at an Access to HE Committee meeting in June 2001 and has been referred to the practitioners' forum to formulate a regional response. Concern was also raised in the 1996 HEQC report, indicating the long-term nature of this debate within the AVA. The team considered that MOCN should now establish a formal policy and rationale for credit targets for Access to HE programmes recognised by the AVA.

71   As previously noted, the process of checking units for technical accuracy and validity using specialist curriculum staff is effective, but there is some lack of clarity about the process of unit approval (see paragraph 66, above) and how it relates to the process of programme approval. The *Programme Approval: Guidance Notes*, makes a distinction between the units which 'will be approved by MOCN with external contributions', and 'other information on your programme' which 'will go for approval at a meeting', but the operation of that distinction, in terms of panel members' responsibilities for the consideration of units within the context of panel recognition, is not made clear in the AVA's documentation. Given the importance of ensuring the appropriateness not only of individual units, but also of particular combinations of units for named pathways and progression routes, the

review team considered that, whether detailed scrutiny of units takes place at, or prior to, the approval panel itself, and whether this process does, or does not, lead to separate formal approval of units by the AVA, advice to a panel about final recommendation for the approval of an Access programme units should direct panel members to consider the appropriateness of those units for the pathway(s) under consideration. The team concluded that, at the time of the review, there were several issues about unit and programme approval which would benefit from greater clarification in the AVA's documentation. Chief among these, in terms of meeting the AVA licensing criteria, is the need for a recognition panel's remit to include explicit consideration of the suitability of the particular set of units being proposed for the programme under consideration.

72   The administration to support the approval process has been well developed and each stage of the process is supported by appropriate documentation. Minutes of approval review and evaluation meetings attended by the Business Development Manager, Curriculum Officer, Moderation Officer, Programme Administrator and Curriculum Co-ordinator, record programmes recognised and new moderator appointments, and review outstanding conditions attached to programmes. The meeting also analyses evaluations of panels by members and monitors progress approval from draft to recognition.

Final programme recognition

73   Programmes receive formal approval once all conditions have been met. This is normally required within four to six weeks of the approval panel meeting. The *Constitution* requires that Access to HE programme recognition is carried out with the full authority of the AVA, via the Access to HE Committee. The Committee's terms of reference specifically require it to confirm approval of Access programmes and monitor the satisfactory operation of the approval process within its quality assurance responsibilities. In practice, the approval mechanism has tended to lie with the panel, and the panel has also monitored whether outstanding conditions have been met. At the time of the review visit, the newly constituted Access to HE Committee had not met, but cancellations of meetings of the committee of the same name, which operated under the previous *Constitution*, created difficulties in discharging the formal approval function (see paragraph 32, above). The lack of reference to formal committee approval is also reflected in documentation issued, including the *Administration Processes - Access to Higher Education*, which omits reference to the Access to HE Committee in the approval process. In view of the importance of ensuring the formal approval of programmes, the review team concluded that MOCN

should ensure that final approval of Access to HE programmes is made through the AVA's committee structure and that any supporting documentation accurately reflects this procedure.

74 The administrative procedures have been well developed with mechanisms in place to record required actions and monitor the verification of actions implemented. Formal recognition of programmes leads to updated records within MOCN's database, and triggers the production of standard forms and formal approval letters.

75 The review team concluded that Access programmes were given thorough consideration at approval panels. However, in order to meet all criteria expressed under Principle 5, it will be necessary for the AVA to demonstrate that the Access to HE Committee is able to fulfil its responsibilities relating to final programme approval and that any supporting documentation accurately reflects this procedure. Further, the AVA should ensure that if an officer of the AVA chairs an approval panel, that person has not been involved in the development of the programme. The AVA should also establish a policy and rationale for credit targets for the award of the Access to HE certificate on programmes recognised by MOCN. Finally, the AVA should clarify its documentation in relation to the programme approval process for Access to HE programmes, to ensure that consideration of the appropriateness of the set of units offered for a particular programme (whether previously approved or not) is explicitly included within the responsibilities of Access programme approval panels.

Principle 6

The organisation is able to safeguard the continuing quality of Access to HE programmes, and to secure the standards of achievement

Moderation procedures

76 MOCN accords an appropriately central role to moderation within its quality assurance processes. Clear and comprehensive guidelines are provided in the *Handbook for Moderators*, which gives information about details of roles and responsibilities, including full information about matters such as number of visits, reporting requirements, activities to be undertaken and criteria for sampling evidence and achievement, and how these relate to assessment outcomes. As well as this guidance material, moderators are provided with the programme submission documentation and recognition outcomes. Moderators commented favourably on the *Handbook* during discussions with the review team.

77 Moderators are expected to consider the sufficiency of evidence to meet the learning and the authenticity of the achievement. They carry out three visits with proforma to support initial, interim and final reports, a system intended to ensure that problems are addressed speedily. Internal moderation checks the consistency of decisions within specific institutions and those decisions are verified by the external moderator. Internal moderation arrangements are reviewed, including receipt of internal moderation minutes and reports, so that the links between internal and external moderation are clearly articulated.

78 Units are individually moderated by pathway moderators, who are responsible for quality assurance issues associated with levels, standards and evidence, sufficiency, appropriateness, validity and authenticity. There is also an overall programme moderator who monitors the progress of moderation across the programme; monitors the progress of the quality systems; and reviews the management of the programme, learner support and resources, targeting, retention and progression, and record keeping. The use of checklists provides a demarcation of responsibilities between pathway and programme moderation.

79 MOCN has recently begun to examine matters relating to consistent standards across institutions. This is being addressed primarily through a series of standardisation meetings designed to review units in some subject areas, including science, core studies and IT, and the review of other areas is planned. The aim of the standardisation process is to promote consistency across programmes, and the focus thus far has been on consistency of level, content and credit value. The inclusion of standard units in programmes supports this process. The standardisation of assessment judgements across institutions has not yet been addressed but is the next logical phase in the process.

Moderator selection, appointment and training

80 The *Account* emphasises that MOCN recruits moderators from a variety of organisations. Sixty per cent are from HEIs, and MOCN intends to increase this proportion. All moderators receive initial training and induction, and on-going training is provided to support moderation activities, including systems and reporting changes. During discussions at the review visit, moderators commented favourably upon the training they received.

81 There are explicit and appropriate selection criteria for moderators. The moderator contract clearly designates the relationship between MOCN and the moderator and outlines the responsibilities noted above (see paragraph 76). Appointments are made annually, with serving moderators being re-appointed on the

basis of having carried out their duties effectively and completing all necessary documentation, including the moderator report for the previous year. MOCN documentation requires moderation arrangements within each institution to be reviewed after five years, although a number of moderators whom the review team met had served as moderators on the same programme for considerably longer than this. The team considered that MOCN should ensure that the approved maximum term of office for moderators is observed and procedures developed to monitor this.

Monitoring and responding to moderation outcomes

82   Initial moderation visits are expected to follow through issues raised in the previous moderation cycle, with action plans checked and any changes ratified. This leads to the second visit, where progress is logged prior to the final report. The final moderation meeting (see paragraph 85, below) enables a review of the operation of the programme for that academic year to take place. A final report arising out of this process is submitted to the AVA with an action plan, and is issued to the providing institutions.

83   The reporting procedures are supported by an effective administration system. Any major concerns identified in reports are referred to the Director. Standard response forms are issued where actions are required and this includes letters to tutors. Responses are approved and logged by the Moderation Officer, who follows up providers who fail to respond. Responsibility for monitoring the provider's response to outcomes lies with the Quality Assurance Co-ordinator.

84   The review of moderator reports is, in the first instance, the responsibility of the Moderation Officer, who prepares a report on her findings. The final review of moderation outcomes is within the remit of Access to HE Committee, as is the review of the moderation system. While minutes of meetings which were supplied for the review included occasional reference to the tracking of some moderation outcomes, neither the minutes nor discussions with committee members provided evidence that this part of the Committee's remit had been undertaken regularly or systematically in the last two years. During discussion with the review team, committee members acknowledged that this was an important aspect of the work that they should undertake when the new committee became established.

The award of Access to HE certificates

85   The completion of the accreditation process requires coordination of individual pathway moderation by the programme moderator. This occurs at the final moderation meeting where all moderators are expected to be present. Pathway moderators formally verify that all criteria have been met for the award of certificates, and the award of Access certificates is made. At the meeting, the necessary MOCN documentation is completed and signed by the programme moderator and Access co-ordinator. There are established deadlines for the administration of the procedures, and Access certificates cannot be issued unless the procedures have been followed.

86   The procedures clearly establish the mechanisms leading to the award of certificates. Formal authority is located and responsibilities defined, with guidance established as to the function and purpose of the final meeting. The *Administrative Handbook* further clarifies the procedures outlined in the *Handbook for Moderators* and *Quality Assurance Handbook*. The formal notification and verification of evidence is comprehensive and transparent. These procedures ensure the consistent application of programme specifications for the award of certificates, and ensure that the same process is applied in all providing centres.

The issue of Access to HE certificates

87   Details of all learners are recorded on the MOCN database. The database also includes details of all units and achievement criteria for the award of the Access certificate. On receipt of the completed documentation from the final moderation meeting, details are checked to ensure consistency within the established criteria to confirm achievement.

88   Access certificates are sent to individual organisations' administration co-ordinators to check and distribute. Certificates include appropriate information in a format which meets QAA's standard requirements. Unit certificates provide a breakdown of units achieved by learners, and the credits and level attached to each unit. The administration system which supports certification is comprehensive and secure, and designed to ensure appropriate recording and issue of certificates.

89   The review team considered that, on the basis of the evidence available to it, the AVA had developed a thorough process for moderation. However, to maintain appropriate objectivity in the process, the AVA is required to put procedures in place that will ensure that the maximum term of office for moderators is observed.

Principle 7

The organisation is underpinned by structures and processes which enable it to review, evaluate and develop the Access to HE provision for which it as responsibility

The revalidation of Access programmes

90   MOCN operates a system of revalidation which follows a review that takes place when programme recognition expires. The provider is informed, with twelve months notice, when a programme has reached the end of its period of recognition. Institutions must either formally notify MOCN that the programme will no longer run or seek a renewal through revalidation. Where notification is received of a wish to review, this is referred to an appropriate curriculum officer who will contact the organisation. This initiates the review of the continuing quality and fitness for purpose of the programme. The process for revalidation is identical to that of validation. For this reason the issues raised at that point in the report apply equally to this aspect of MOCN's work. In addition, the review team would recommend that the AVA develops its revalidation process to include consideration of the strengths and weaknesses of the programme in operation.

Monitoring the quality of Access programmes

91   Institutions are required to contribute a quality review by producing an annual report. There is no specific required format for the report, in order to allow reports to reflect the internal quality assurance procedures operating within individual institutions, although it is expected that the report will cover the strengths and weaknesses of provision and make use of learner feedback, programme team comments, and external and internal moderation feedback. While formats may vary, annual reports are expected to refer to the quality of internal quality assurance and its effectiveness in determining and maintaining consistency of outcomes of assessment and award of credit. Critical analysis of issues within the report should then lead to an action plan which will inform the annual review meeting that is carried out between the providing institution and MOCN officers, at which all of the provider's MOCN-accredited provision (Access and non-Access) is reviewed. The annual review meeting scrutinizes the institutional report and action plan and determines levels of support and staff development necessary. An MOCN services review also constitutes an aspect of the annual review and this covers the quality of support provided by MOCN. The completed report produced by MOCN identifies actions for MOCN and the institution. The report is then forwarded to the head of the institution and made available to the MOCN Quality Assurance Committee. Any agreed service improvements are incorporated into MOCN's Quality Development Plan.

92   The annual report to QAA includes a summary of institutions' programme and moderation reports, as well as providing a review of membership and provision, management and quality assurance, and a statistical analysis of trends.

93   MOCN's reviewing systems have undergone changes since the establishment of specific committees charged with reviewing provision. The QAC reviews the operation of the quality assurance systems and processes, and the Access to HE Committee scrutinises all quality assurance issues impacting on Access to HE programmes. The new committee structure provides the mechanism through which evaluation of the AVA's activities and procedures should occur, leading to improvements in planning processes. With clear lines of responsibility to ensure that actions are followed through and achieved, this should improve MOCN's capacity to identify and monitor issues arising from moderation and review. As with other of the committees' responsibilities, the review functions of these committees will need to be monitored as an aspect of the evaluation of the effectiveness of the committees as a whole, to ensure that their established responsibilities are fully met.

94   The review team considered that, on the basis of the evidence available to it, the AVA met the criteria expressed under Principle 7.

Conclusions

95   Merseyside Open College Network has been instrumental in the establishment and development of a substantial amount of Access to HE provision in Merseyside and the surrounding region, since its inception in the late 1980s. Its role and the scope of its provision grew and developed throughout the 1990s, as the organisation took on the expanded potential of an open college network and, at the same time, consolidated its Access work. The AVA's recognised Access provision has traditionally been, and is now, primarily located in several large and well-established providers of Access programmes, most of which deliver large and well-established Access programmes.

96   During this period, quality assurance procedures have been developed and refined, and the key processes of programme recognition, moderation and certification are, in general, thorough, widely understood and efficiently implemented. The AVA's work is supported by a stable and experienced officer base, and staff routinely evaluate the operation of these processes and adjust the AVA's extensive published documentation about administrative and other procedures, as necessary. While this has provided an effective mechanism for the incremental development of

procedures, there is a detachment between this work and the AVA's mechanisms for wider development of policy for Access. The AVA has, for example, a clear and rigorous system of moderation, which has been regularly updated to tighten procedures, and which appears to provide an effective mechanism for assuring standards within institutions. However, the AVA's work on consistency of standards across institutions in the region is relatively undeveloped at this stage, and, in spite of its awareness of the significance of this work, the AVA has not moved forward in the development of a coherent policy for consistent credit specifications for Access programmes - an area identified as needing attention at the last AVA review in 1996.

97   This lack of policy development can, to some extent, be accounted for by weaknesses in the operation of the bodies holding formal responsibilities in this area. Over recent years, the organisation has experienced increasing weaknesses in the consistent and proper operation of its committee and governance structures, with a corresponding weakening in the security of areas for which they have responsibility. This has not only contributed to a marked lack of policy development and strategic planning in relation to Access, but also holds potential threats for the overall security of the AVA licence and for the authority and protection of the AVA's actions. There has been some recent recognition at senior level of the unsatisfactory nature of this position, and the *Account* presented for this review indicated some awareness of key weaknesses. However, while it may have a genuine intention to do so, the organisation has not yet taken the substantial action necessary to ensure that it meets all the published licensing criteria for the renewal of AVA licence.

98   As an example, the proposed changes in the organisation's legal and constitutional status have the potential to address a number of weaknesses, although it should be noted that it is the structures most recently introduced, in anticipation of the change to company status, which are, currently, most evidently failing to operate as intended. While, on paper, the new structures appear to address many of those difficulties which pre-date their introduction, and provide greater clarity about the locus of AVA responsibilities, the necessary changes in practice are less well worked-through and not fully operational at this stage. The organisation's plans to adopt company status and make key changes to its governing structures have coincided with a recent loss of key, experienced committee members. Those who are responsible for the introduction, implementation and proper operation of the new constitutional arrangements, have only recently begun to recognise the full implications of these changes. The AVA will need to take considered action to ensure that the structures and practices by which the organisation governs and conducts itself are

an accurate reflection of the constitution that the organisation has adopted.

99   MOCN appears to have maintained a largely positive relationship with its members, and has channels for effective communication with them about Access matters. However, with the erosion of some of the formal structures for collaboration between FE and HE through the AVA, it will be important for the AVA to consider how best to maintain a sense of partnership between the AVA and its members, if that partnership is to be productive for the further development of recognised Access provision.

The AVA licence

Review outcome

100 The Merseyside Open College Network is awarded a provisional renewal of its AVA licence, with conditions stipulated below to be met by the times specified. The AVA will be revisited in May 2004.

Conditions

101 The MOCN licence is provisionally renewed on condition that the AVA:

i   includes within its *Constitution* explicit requirements for membership of the Executive, which ensures that there is representation from members from a range of sectors including both further and higher education (paragraphs 23 and 35);

ii   updates and formally approves its *Constitution* to take account of recent changes, and in doing so includes a statement of its legal identity (paragraphs 24 and 35);

iii ensures that all its committees discharge fully their responsibilities as set out in their terms of reference in the *Constitution*, and that its officers do not exercise the responsibilities of committees or their chairs (paragraphs 30-32 and 35);

iv   demonstrates its full independence as an organisation, either by becoming a company limited by guarantee, as it has already determined to do, or by some other means (paragraphs 38-41);

v   includes within its strategic plan explicit reference to plans for its work as an AVA, and ensures that the plan is approved by its Executive, and that in monitoring the achievement of the plan, full use is made of the data on Access to HE programmes and students provided by the AVA as part of its annual report to QAA (paragraphs 43-46, 60 and 63);

vi   ensures that final approval of all Access to HE programmes is made through the AVA committee structure and that any supporting documentation accurately reflects this procedure (paragraph 73 and 75);

vii   ensures that if an officer of the AVA chairs an approval panel, that person has not been involved in the development of the programme (paragraphs 68 and 75);

viii   establishes a policy and rationale for credit targets for the award of the Access to HE certificate on programmes recognised by the AVA (paragraphs 70 and 75);

ix   clarifies the formal responsibilities of Access to HE programme approval panels within the AVA's guidance and procedures documentation, to include specific consideration of the appropriateness of the combination of units being proposed for the programme under consideration (paragraphs 71 and 75);

x   ensures that the approved maximum term of office for moderators is observed and procedures are in place to enable this to happen (paragraphs 81 and 89);

Condition iv to be met by **1 April 2004**
Conditions i-iii and v-x to be met by **1 December 2003**

102 Provisional confirmation of licence allows the AVA to continue to operate under licence but makes provision for the immediate withdrawal of the licence if the conditions are not met in the time allowed and to the satisfaction of QAA. Were it to be necessary for QAA to withdraw the licence, the AVA would need to put in place procedures for the transfer of registered students to an alternative licensed AVA.

Recommendations to the AVA

103 The review team recommends that the AVA:

i   publishes its classification of members into 'full' and 'associate', together with their respective rights and conditions (paragraphs 16 and 18);

ii   records formally its policy for the reporting process between committees and the Executive, and ensures that the receipt of committee minutes by the Executive is routinely recorded in the Executive's own minutes (paragraph 25);

iii   makes more explicit responsibility for considering and approving the annual report to QAA (paragraph 31);

iv   reviews the terms of reference of the Access to HE Committee and considers including:

●   involvement in the preparation of the annual report to the QAA;

●   involvement in the AVA's planning processes; (paragraphs 33 and 46);

v   develops the active involvement of its members in its committees (paragraph 34);

vi   develops formal arrangements whereby urgent business can be conducted if a committee is unable to meet or is inquorate (paragraph 34);

vii   develops a comprehensive equal opportunities policy covering all aspects of its operations (paragraph 51);

viii   reviews its documentation and brings it up to date where references are made to organisations that no longer exist and to terms such as 'kitemark' that are no longer current (paragraph 52);

ix   involves its members in the verification of Access to HE data (paragraph 60);

x   considers how it might make more systematic use of the data it collects as part of its dialogue with providers, and, through its committee structures, for AVA planning and development purposes (paragraph 60);

xi   clarifies the role of the Access to Higher Education Committee in monitoring that outstanding panel conditions have been met (paragraph 73);

xii   develops its revalidation process to include consideration of the strengths and weaknesses of the programme in operation (paragraph 90).

Appendix

Aims and objectives of AVA review

The aims of the system of AVA review are:

i   to provide the basis for an informed judgement by the ARLC about the fitness of the AVA to continue as a licensed agency;

ii   to promote public confidence in Access to HE as a properly regulated and respected route into higher education by assuring:

● the quality and adequacy of AVAs' systems and procedures;

● the quality, comparability and range of AVAs' operations;

● the adequacy and comparability of AVAs' standards for approval, moderation and monitoring of programmes;

● consistency across AVAs in the operatio of criteria for the granting of the Access to HE award;

iii to stimulate reflective and self-critical perspectives within AVAs, as an instrument to promote quality enhancement;

iv   to provide an opportunity to identify and disseminate good practice of AVA operations;

v   to provide a mechanism for ensuring necessary, and encouraging desirable, improvements and developments in AVAs.

The objectives of each AVA review are:

i.   to examine, assess and report on:

● the development of, and changes in, the AVA since its last review or initial licence, and its plans and targets for the future;

● the organisation's continuing viability and robustness and the ways in which the AVA demonstrates sound governance;

● the efficiency and effectiveness of the AVA's operational and quality assurance systems;

● the range and scope of the AVA's activities, and the appropriateness and value of these activities;

● the ways in which the AVA approves and monitors programmes and the ways in which these processes take account of the need for consistency and comparability;

● the ways in which the AVA satisfies itself of the adequacy and comparability of standards achieved by students gaining the Access to HE certificate;

● the evidence available to indicate the AVA's success in achieving its aims and targets;

ii   to identify and report on:

● strengths and good practice in procedures and operations;

● areas which would benefit from further development;

● areas requiring attention.