

# **HIGHER EDUCATION MITIGATING CIRCUMSTANCES POLICY**

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**Related Documents:** HE Academic Appeals Policy, Access & Higher Education Student Terms and Conditions, Access & HE Student Tuition Fees & Refund Policy

## **HIGHER EDUCATION MITIGATING CIRCUMSTANCES POLICY, PROCEDURE AND GUIDANCE**

### **1. Introduction**

1.1. This policy is made for the use of staff and higher education students of Joseph Chamberlain College. For convenience, and unless otherwise indicated the group of colleges are referred to as 'the College' within this document. It does not cover students who are studying a higher education programme offered via partner university such as the Diploma in Education and training. These students are covered by the University's policy.

1.2. This policy outlines the procedures relating to applications for consideration of mitigating circumstances by the Vice Principal (Planning, Performance and Development).

1.3. The Office of the Independent Adjudicator for Higher Education (OIA) define mitigating circumstances as "serious or significant circumstances which are unforeseen and/or beyond a student's control and could significantly impair their academic performance in one or more assessed activities, possibly over a short period of time. Mitigating circumstances may include medical matters, bereavement, jury service, etc."

1.4. Mitigating circumstances do not apply to long term medical or other conditions. The College makes reasonable adjustment in line with the Equality Act 2010 for students with disabilities which may include extensions on coursework submissions, for example.

1.5. Generally, students will not be able to claim mitigation for the same condition on more than one occasion. Should a student seek mitigation for the same condition on more than one occasion, the College may undertake procedures as described in the College's *Higher Education Fitness to Study Policy*. There may be exceptions to this which will be managed on a case by case basis.

1.6. The mitigating circumstances policy and procedure at the College is evidence based. Students will be required to evidence their claims appropriately. Additionally, students should note the grounds on which mitigating circumstances can be claimed as at section 3 of this policy and the associated arrangements for claiming.

## **Principles 2.1.**

This policy and the practices contained therein are guided by the following principles

- Equality
- Consistency
- Confidentiality

## **3. Grounds for mitigation**

3.1. The grounds on which mitigation can be sought are normally limited to:

- Serious illness that is not a permanent medical condition (see paragraph 1.3). This might include, for example, an illness requiring hospitalisation, a broken arm but does not cover illnesses such as headaches, colds or upset stomachs.
- The death of an immediate family member shortly before the date of assessment (usually 28 days before the scheduled assessment).
- Other profound circumstances beyond the control of a student, which could not be reasonably be foreseen or prevented (usually 28 days before the scheduled assessment).

3.2. A student may not normally claim mitigating circumstances on the basis that their family, financial or other general life problems including employment or other workload pressures affected performance unless they can produce written evidence that their performance has been adversely affected. These claims will need to be made with supporting evidence.

3.3. Additionally, the College is not able to take into account the misreading of assessment dates and times, timetabling of examinations or coursework submission, holidays or social commitments, car breakdowns or public transport delays, computer, printer or back-up failures.

3.4. Where a student believes they have been impacted by the circumstances described at paragraph 3.3, particularly in relation to public transport delays, bad weather etc. they should liaise with their tutor in the first instance. If approved, appropriate supporting evidence will be required to verify claims. It is only anticipated that this will apply to students who experience difficulties in traveling to College to undertake assessment. All claims will be required to be supported by evidence.

3.5. Students entering an examination room or submit assessed work are considered to have declared themselves fit for assessment.

#### **4. Categories of mitigating circumstances**

4.1. Extension request Where a student requests, in advance, an extension to a coursework submission deadline. Extensions are usually for a relatively short period of time, usually no longer than 2 weeks.

4.2. Deferral request where a student was unable to attend at, or submit for, a scheduled assessment, of any sort, and requests to move the assessment to the next available assessment opportunity.

4.3. VP (PPD)

Where a student has missed the submission deadline/examination or believes their performance has been adversely affected, they should submit a claim to the VP (PPD).

#### **5. Procedures for dealing with mitigating circumstances requests**

5.1. Extension requests Higher National qualifications.

Students seeking an extension should discuss their reasons for extensions with their tutor. The tutor will either approve the request, defer a decision pending further evidence or reject the request. The student will normally need to provide appropriate evidence at the point of submission. Tutors will then ensure the written application and evidence are reported to the VP (PPD). Where an extension is granted, the final mark must be available at the next assessment board. If a student requires any additional time they must defer to the next available assessment opportunity as at paragraph 4.2.

5.2. Deferral Requests Higher National qualifications.

Students seeking to defer a scheduled assessment should put the request in writing and provide supporting evidence. Students should inform their tutor and submit completed applications to the tutor. Should a deferral be approved the piece of work would normally be due in the next assessment period.

5.3. Applications to the VP (PPD)

Students making applications to the VP (PPD) should put this in writing and provide supporting evidence. Students should inform their tutor and submit to them in the first instance. The tutor will then forward to the VP (PPD). Should the VP (PPD) accept the claim, the student would be granted the opportunity to submit for assessment as a first attempt (or continued second or third attempt) during the next assessment period. If accepted, any mark the student has attained will be forfeited. Should the student achieve a lower mark upon their next submission, the lower mark will stand.

5.4. Mitigation and confirmed results.

If results have been confirmed by assessment boards or the published deadline for receipt of mitigating circumstances claims has passed, the student may

decide they have grounds to appeal. Students should be directed to the *Higher Education Academic Appeals Policy* in this instance.

## **6. Acceptable forms of evidence**

### **6.1. Medical reports**

Students must visit a doctor or a nurse whilst they have symptoms so as to obtain a signed note including precise dates of illness, a diagnosis or description of symptoms and assessment of their impact on the student's ability to prepare and/or complete assessment. Notes or reports from medical professionals that are imprecise and state, for example, that the illness 'may have had an impact,' or that, 'the patient informs me,' will not normally be accepted as valid evidence. Appointment letters are unacceptable.

### **6.2. Mental Health Advisor Reports**

Students who are receiving support from a health advisor or medical professional may present a signed note that includes a description of the symptoms and an assessment of their impact on the student's ability to prepare and/or complete assessment. Appointment letters are unacceptable.

### **6.3. Employer's Letters**

Students who are also working who request extensions or deferrals as a result of increased workloads will only be granted in exceptional circumstances. The College is unable to take account of events that are the result of normal working practices. Letters of support from employers should be on headed paper, signed by the student's line manager and must detail, specifically, the impact of their workplace circumstances on their ability to complete assessment.

### **6.4. Other**

All supporting evidence that does not fall within the categories above must provide independent verification of a claim.