



## MITIGATING CIRCUMSTANCES (also known as Exceptional/Extenuating Circumstances)

### 1. Purpose

1.1 The following policy details the process and criteria relating to Mitigating Circumstances. This is also referred to as Exceptional or Extenuating Circumstances by our University partners and these terms will be used interchangeably throughout the document which aims to provide guidance for all students studying at New College Swindon. The process of making an application is referred to throughout this document as making a 'claim'. The document details the steps that can be taken by students in the case of exceptional circumstances which may impact on their ability to study or to undertake or participate in assessments. This policy aims to ensure that students and staff understand the process of application and assessment of a claim, avoiding unfair advantage to those affected, whilst protecting all students from unfair disadvantage and enabling all students to be assessed on equal terms.

### 2. Scope

- 2.1 The mitigating circumstances policy applies to all Higher Education students who are studying on courses which are directly funded and includes Pearson HNC, HND and Diploma programmes.
- 2.2 Students studying towards an **Oxford Brookes** award will also follow this process paying particular attention to signposted elements of the document which encompass the Oxford Brookes Exceptional Circumstances regulations.
- 2.3 Students studying on a **University of Gloucestershire** validated or franchised programme should follow this guidance, paying particular attention to signposted elements of the document which encompass the University of Gloucestershire regulations.
- 2.4 Whilst students studying under a franchised arrangement with **Bath Spa University** may find the guiding principles of this document useful, they will follow the [University Policy](#) and guidelines. Claims are submitted to, and assessed by the University.

### 3. Definitions

- 3.1 The definition of mitigating/exceptional/extenuating circumstances are:
- 3.1.1 Personal circumstances which are out of the control of the student and which the student could not have prevented or accommodated
- 3.1.2 Circumstances which have had a significant and demonstratively

negative effect on the student's ability to study or undertake an assessment

- 3.1.3 Circumstances which have occurred at the time of, and are relevant to, the claimed impact.
- 3.2 In order to qualify for mitigating/exceptional circumstances all three elements of the above definition must be met. If this is not the case the claim will be rejected.
- 3.3 Students can apply for a maximum of 25 working days extension to a deadline.
- 3.4 This policy aims to address short term issues and is not suitable for students with longer term or on-going conditions or disabilities. In these circumstances students should meet with the HE Study Support Officer in order to assess individual's needs. This may result in the introduction of a HE Support Plan which can provide details of agreed reasonable adjustments. This does not prevent application under circumstances outlined in 4.1.4 below.
- 3.5 This policy aims to cover all assessment types which students may encounter during their studies. This will include coursework assessments which are formed over time, including written and constructed coursework such as portfolios, artwork or artefacts. It also includes 'on the day' or 'event' assessment such as presentations, seminars, viva voce, critiques and examinations or tests.
- 3.6 Any formative deadlines affected by mitigating/exceptional circumstances can be re-negotiated with the relevant tutor, although the claim if upheld may be relevant to the summative deadline for the same assessment.

#### 4. Examples of Acceptable Claims

- 4.1 Examples of qualifying events are given below, however this is not an exhaustive list but provided as an indicator of acceptable claims, providing that appropriate evidence is submitted:
  - 4.1.1 A serious and unexpected disruption of personal or family life
  - 4.1.2 A serious short term illness or accident which would have led to a period of sick leave
  - 4.1.3 The death of a close relative, partner or close friend which would have led to a period of compassionate leave
  - 4.1.4 A sudden and unexpected flare up of a long term health condition of which the College was previously notified
  - 4.1.5 Jury Service
  - 4.1.6 Other significant events which have been detrimental to the student and for which evidence from a relevant third party can be provided e.g. victim of crime

#### 5. Examples of Unacceptable Claims

- 5.1 The list below is indicative of the type of claim that would be rejected, however,

each claim is assessed individually on the potential impact to the student's study and assessment outcomes.

- 5.1.1 Minor illness or injury which could be reasonably accommodated by the student (e.g. colds, routine medical appointments etc.)
- 5.1.2 Lifestyle choices such as holidays, weddings, sporting events, pregnancy\*, family events or visits. (\* Illness as a result of pregnancy may qualify with suitable evidence; you may be advised to take a temporary withdrawal from studies if your pregnancy impacts on your ability to study to such an extent that it may disadvantage your outcomes)
- 5.1.3 Exam Stress, unless a medical diagnosis has been given and evidence of this can be provided
- 5.1.4 Transport Issues- it is the students responsibility to ensure they allow suitable travel time and contingency to attend 'on the day' assessments
- 5.1.5 Poor organisation and/or time management/misunderstanding deadlines
- 5.1.6 Technical failures such as loss of saved work, memory sticks or computers. (All work should be backed up in case of the above events at all times)
- 5.1.7 In the event of a failure of 'turn-it-in' submission capabilities which are out of the students control, students should email the saved file of work to the relevant tutor within the deadline giving details including time of attempted 'turn-it-in' submission, and requesting a 'delivery receipt' as proof of submission. Once 'Turn-it-in' capability is regained you may be asked to upload the same dated/timed file of your work, or the tutor may do this.
- 5.1.8 Paid employment or voluntary work unless unexpected and unusual demands above the student's usual employment can be evidenced by the employer.
- 5.1.9 Financial issues

## 6. Claims which will be deemed invalid

- 6.1 The following list indicates situations where a claim will be dismissed, but is not exhaustive:
  - 6.1.1 Claims not accompanied by valid independent evidence (within 10 days of the claim being submitted)
  - 6.1.2 A general statement identifying a medical condition without evidence
  - 6.1.3 A claim with retrospective evidence; a doctor's letter stating the student has been seen by them to report that they have been ill after the occurrence of the illness

- 6.1.4 Claims detailing circumstances which occurred outside of the assessment timeframe
- 6.1.5 A long term health condition for which reasonable adjustments have been made and which covered the timeframe of assessment
- 6.1.6 Late disclosure of circumstances on the basis that students felt unable/uncomfortable to disclose those circumstances (unless given the evidence provided, it is accepted by the panel that the nature of the circumstances would have caused the student difficulty in disclosing this)
- 6.1.7 Claims which are rejected on the basis that they do not meet the definition of Mitigating/Exceptional circumstances do not imply that the student was not affected. In such circumstances the situation may be deemed as being one that could be reasonably accommodated by the student.

## 7. Evidence

- 7.1 All claims made for Mitigating Circumstances require evidence to accompany application forms. Where evidence is not attached, a claim will not be assessed.

The exception to this is when emergency self-certification is necessary on the day of an event assessment such as an Exam or Presentation (see point 10 for criteria).

All evidence submitted must:

- 7.1.1 Confirm the circumstances exist and the nature of these circumstances
  - 7.1.2 Confirm the circumstances exist within the timeframe of the assessment
  - 7.1.2 Confirm the impact of those circumstances on the student
  - 7.1.3 Confirm that the evidence was gathered at the time the circumstances occurred and not retrospectively
  - 7.1.4 Be written legibly and in English (It is acceptable to provide a certified translation if the original evidence is not in English, the cost of which is to be borne by the student)
- 7.2 Forms of evidence will vary but in every case must be independent and professional. Examples of evidence which would usually be accepted are, but not limited to the following:
    - 7.2.1 A fully completed and signed Medical Certificate/Sick Note from a medical practitioner
    - 7.2.2 A letter of support from a professional third party such as a counsellor, consultant or other support service relevant to the circumstance
    - 7.2.3 A crime report
    - 7.2.4 A Death Certificate (where this cannot be obtained, a published notice of death or obituary may be accepted)
    - 7.2.5 Original summons for court proceedings or invitation for Jury Service

## 8. Principles of operation

- 8.1 It is the responsibility of the student to bring to the attention of the College, (or University for Bath Spa students) in a timely manner, circumstances which are having an impact on their ability to participate in the assessment process.
- 8.2 If a student submits a claim after completing or taking part in an assessment, which is subsequently accepted, the completed work will be disregarded and the student will be required to complete the assessment again.
- 8.3 During the time period the student was affected, no work will be assessed.
- 8.4 Unless a student submits a claim, it will be assumed that the student is fit and well enough to undertake assessment. (Fit to Sit principle)
- 8.5 No student should gain an unfair advantage over others in the operation of this policy.
- 8.6 Personal information will only be viewed by staff directly involved in assessing the claim, and will be destroyed within 10 days after the decision. Students should therefore retain copies of all provided evidence.
- 8.7 All claims will be considered in light of students previous applications and usage of the system by individuals will be monitored.
- 8.8 Students and staff must adhere to the acceptable timeframes for the submission of, and response to all claims.
- 8.9 Examination Committees may not question the decision of the panel, but can vary the allowance made. They cannot estimate or change marks.
- 8.10 All claims will be logged and outcomes recorded.

## 9. Outcomes of a claim

- 9.1 The following are examples of recommendations made to Examination Committees following a successful claim for Mitigating/Exceptional/Extenuating Circumstances:
  - 9.1.1 Extra time- the aim of giving the student more time to complete their assessment is to give them back the equivalent time which was lost due to the occurrence of the qualifying circumstances
  - 9.1.2 Deferral of an event assessment- this would mean rearranging the date of an 'on the day' assessment, normally into the resit period, and the student will carry out the assessment as if it were their first attempt
  - 9.1.3 Disregard- in exceptional circumstances where it is apparent through medical assessment that the student was not fit at the time they sat the original assessment, and that their condition materially affected their judgement regarding their own fitness to sit the assessment. Students would be able to attempt assessment as if it were their first attempt through resit or retaking the Module/Unit.

## 10. Emergency Self Certification

- 10.1 In the case of an emergency where illness prevents a student taking part in an 'on the day' assessment such as an Exam, test, presentation, or viva voce, students can self-certify on the day. This must be done with the knowledge of the tutor overseeing the assessment. This option is limited to those circumstances which have arisen on the day of the assessment such as Migraine, vomiting etc. and for which they would not usually visit their GP, therefore evidence is not required. A resit opportunity will be arranged. This **cannot be used for a coursework deadline**.
- 10.2 Usage of this will be monitored closely, and although the first occurrence will be authorised, subsequent applications may be declined if it is deemed by the panel that the option is being repeatedly or inappropriately used.

## 11. OXFORD BROOKES STUDENTS ONLY – Grace Period

- 11.1 The following applies only to those students studying at New College Swindon towards an award from Oxford Brookes University.
- 11.1.1 Students are responsible for ensuring they meet deadlines, however the University acknowledges that very occasionally things can go wrong at the last moment. On this basis a student who misses the deadline is permitted to use a 24 hour grace period to upload their work after the deadline.
- 11.1.2 The student will still have access to the full range of marks, therefore marks will not be capped at the pass mark.
- 11.1.3 Students must inform the assessing tutor (or HE Officer/Manager) of the Module and assessed element for which they are using the grace period, by email or telephone **before** the 24 hour grace period expires.
- 11.1.4 No supporting evidence will be required
- 11.1.5 Where the grace period is used, it is expected that it will be a one off situation; usage will be recorded and monitored. A first use of the grace period will be sanctioned but subsequent applications may be declined.

## 12. EXTENSION REQUEST

- 12.1 The following information on extensions, applies to all students studying towards a Pearson award, or a programme awarded by a partner University, at New College Swindon.
- 12.1.1 Students experiencing serious, unforeseen circumstances which are unavoidable are permitted to request an extension of up to one week (five working days) to a **coursework** deadline (including a re-submission deadline). This relates to coursework assignments only including written assignments (essay, report, reflection) portfolio and dissertation/major project. (For 'event' assessments such as presentations, exams and viva voce please see 10.1)
- 12.1.2 Students completing a request for extension must declare the reasons for the request and in signing the document they are making a declaration that this

is an accurate record of circumstances.

12.1.3 The number and frequency of extension requests will be monitored, and a tutor or programme leader can request a meeting to discuss this usage with a student should they find a student is making repeated requests, or to refer the student to other means of suitable support.

12.1.4 Following submission on/before the extended deadline given, marks will be tabled at the next appropriate Examination Committee, and will not be capped.

12.1.5 Examples of when an extension request would be appropriate are:

- Onset of a moderate illness e.g flu
- Minor injury/illness requiring treatment e.g outpatient clinic
- Caring for a dependent who has fallen ill
- A student working in a school notified of an imminent Ofsted inspection

### 13. UNIVERSITY OF GLOUCESTERSHIRE ONLY

13.1 Students granted an extended deadline through either extension or extenuating circumstances will still have work assessed if submitted up to seven days after the altered deadline, but the mark allocated will be capped at 40% at the subsequent Examination Committee in acknowledgment of the late submission.

### 14. Late Claims

14.1 Claims for Mitigating Circumstances should be made as soon as the circumstances arise, and ahead of the assessment deadline, or at the start of the 'on the day' assessment.

14.2 Rarely, a student may become unwell during the exam or on the day assessment itself and in these cases the invigilator/assessor should be notified immediately and the claim followed up in writing within 48 hours. Any partially completed assessment will not stand as the student will be declaring themselves not fit to take part.

14.3 If due to the nature of the circumstance arising, the student is prevented from reporting their circumstances (e.g. traffic accident, sudden serious hospitalisation) a claim should be made within 48 hours, or the College notified by a third party of the event having taken place.

14.4 Claims submitted later than 48 hours after the deadline or assessment event will be considered late.

14.5 Applications made without supporting evidence will be held for 10 days to allow for provision of evidence.

14.6 Late claims must be received at least 5 working days prior to an Examination Board.

14.7 Late claims may be rejected unless they contain a substantial and valid reason as to why they could not meet the 48 hour deadline for making a claim on time.

14.8 No claims will be accepted after the Examination Board has met.

## 15. Administration and Assessment of the Claim

15.1 Tutors will be responsible for the administration of shorter extensions of 24 hours to five working days in duration. Claims over 5 working days and up to 25 working days will be dealt with through the HE Office.

15.2 Claims will be processed in accordance with the criteria set out in this document and as follows:

15.2.1 An acknowledgement will be sent within 24 hours of a claim being submitted

15.2.2 Where suitable evidence does not accompany the claim, this will be requested within a 10 day period

15.2.3 If supporting evidence is not submitted the claim cannot be assessed; it is therefore the student's responsibility to ensure this does not impact on any forthcoming deadline

15.2.4 The claim will be assessed as soon as possible and within 3 working days of the submission of the claim; it is therefore the student's responsibility to ensure this does not impact on any forthcoming deadline

15.2.5 The panel will comprise three staff members, the HE Manager will act as Chair and HE Officer will act in the capacity of Secretary, conducting the administration of the process

15.2.6 In complex cases or situations, the panel may liaise with partner university representatives before coming to a decision on the claim

15.2.7 Students will be notified of the outcome of a claim within five working days of the submission electronically in writing

15.2.8 A record of claims made will be monitored and retained but all evidence provided will be destroyed 10 days after a claim has been resolved.

15.2.9 Working days are defined as Monday-Friday excluding bank holidays or periods when the College is closed (i.e. Christmas)

15.2.10 When calculating extended deadlines, end of term and half term breaks **will be included** in the new allowance of time, as the college is open

15.2.11 If an extended deadline goes across the Christmas closure period, one week will be included in the new allowance of time as the college is closed

## 16. Review/Appeal

- 16.1 A student who wants to raise circumstances which the College/University were not aware of at the time of the Examination Committee should do so using the appeal process.
- 16.2 It is exceptional that these circumstances would not have been raised during the normal timeframe for a claim for Mitigating Circumstances, therefore any such appeal would need to contain robust evidence as to why this was not raised in the acceptable timeframe.
- 16.3 If a student has had a claim for Mitigating Circumstances rejected and wishes the case to be reviewed, they can request this in writing to the HE Office within 10 days of the claim decision being communicated to them. It is the students responsibility that any existing deadlines without permitted extension are met, pending this review.
- 16.4 A review of the outcome of a claim can be conducted on the following grounds only:
  - 16.4.1 That evidence exists to suggest that the request was not considered in accordance with these regulations
  - 16.4.2 That evidence suggests that there was an administrative error or some other irregularity in the consideration of the claim
- 16.5 A review will be conducted by an independent staff member using the original claim documentation and evidence.
- 16.6 If the review upholds the original decision made in relation to the claim, a Completion of Procedures letter will be issued.
- 16.7 If new evidence has been acquired since the original claim a new application should be made and put forward for a new assessment.

## 17. Further Review

- 17.1 New College Swindon subscribes to the independent scheme for the review of student complaints. If a student is dissatisfied with the outcome of a claim review, they may be able to apply for a review of their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) provided that the complaint taken to the OIA is eligible under its Rules.

Any complaint made to the OIA **must be received by the OIA** within **12 months** of the date of the Completion of Procedures (COP) letter.

The OIA's complaint form is available online or download a copy from the OIA website. <http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>