

## Mitigating Circumstances Policy (Higher Education) HE5

**Equality Impact Assessment:** Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

### 1. POLICY STATEMENT

- 1.1. This policy applies to students enrolled on Higher Education programmes validated by Harper Adams University, Royal Agricultural University, and Leeds Trinity University, and outlines the normal College procedures relating to applications for mitigating circumstances in relation to course assessments, including examinations.
- 1.2. This policy recognises the College's commitment to an outstanding education. It is informed by the requirements of the QAA Quality Code for Higher Education (specifically Part B: Chapter B6: Assessment of Students and Accreditation of Prior Learning).
- 1.3. Each validating university has slightly different regulations relating to application for mitigating circumstances. Students are advised to read the University's Academic Regulations, which are available on the College intranet. It is also advised that students discuss with their circumstances with their course manager prior to submitting an application.
- 1.4. The College operates an internal Mitigating Circumstances Panel to judge applications, however in some cases, mitigating circumstances applications are submitted to the validating university for formal approval.
- 1.5. The University's Academic Regulations outline permissible mitigating circumstances. This policy covers the arrangements by which mitigating circumstances claims are considered including:
  - The grounds on which mitigating circumstances may be claimed
  - The procedures involved in claiming for mitigating circumstances
  - Acceptable evidence in support of mitigating circumstances
  - Access to supporting evidence

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## **2. DEFINITIONS**

2.1 Mitigating Circumstances are defined as unforeseen, unpreventable circumstances that significantly disrupt student performance in assessment. The grounds on which mitigating circumstances can be claimed are normally limited to:

- serious illness which is not a permanent medical condition or disability (for which reasonable adjustments to arrangements are made). This might, for example, include a broken writing arm or an illness requiring hospitalisation, but would not include a headache, cold or upset stomach;
- the death of an immediate family member shortly before the date of the assessment (typically, 28 days immediately before the scheduled assessment);
- Other serious circumstances beyond the control of a student, which could not have been foreseen or prevented (typically no more than 28 days before the scheduled assessment).

2.2 A student may not normally claim mitigating circumstances on the basis that their family, financial or other general life problems and employment or other workload pressures affected performance, unless they can produce clear, documented and independent evidence that their performance has been unexpectedly and severely affected.

- Students are expected to plan their work and allow time to cope with minor setbacks. Studies and associated assessment demands are expected to be given priority. The College will not consider the following events as mitigating circumstances: Misreading of assessment dates and times
- Timetabling of examinations or coursework
- Holidays or social occasions,
- Car breakdowns or public transport delays
- Computer or printer difficulties or back-up failures.
- Minor illnesses such as headaches, upset stomachs, coughs or colds.

2.3 Students are advised that false or overstated claims of mitigating circumstances, including the submission of forged or unsubstantiated evidence, will be treated seriously and may be referred to the Academic Misconduct panel.

2.4 Students who enter the examination room or submit assessed work are considered to have declared themselves fit for assessment.

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### 3. CATEGORIES OF MITIGATING CIRCUMSTANCES

**3.1 Coursework Extension Requests:** Where a student wishes to request, in advance, an extension to a coursework submission deadline they should firstly discuss their difficulties with their Course Manager. If the Course Manager agree that there may be acceptable mitigating circumstances, students must complete the Mitigating Circumstances Extension Request Form, including accompanying evidence, and submit it to their Course Manager. The Course Manager submits the application to the HE Registry Office for records and informs the students of the outcome. Extension requests may only normally be granted within the current academic session. Any request to complete work for submission for the first time (ie not a reassessment) within the following academic session (or for courses with a non-standard start date, within 12 months of enrolment) would, normally, be rejected. Exceptionally, a part-time student may be permitted to withdraw, voluntarily, from the module with a view to starting the module tuition and associated assessments afresh.

**3.2 Deferral and Condonement Requests:** Where a student wishes to request that either:

- they be granted a further opportunity to submit for assessment, as if for the first time, because of circumstances that prevented them from submitting for assessment at the scheduled time or for examinations; or circumstances outside their control have affected the quality of their assessed work Deferral (i.e to sit an examination at a later date) will be considered in the first instance by the College Mitigating Circumstances Panel. Condonement requests on the basis of illness affecting examination performance would not, normally, be considered, unless there is written evidence to suggest that the student could not have reasonably known that their performance would be affected before entering the examination room. It is not possible for the assessment board to speculate on how a student might have performed had the mitigating circumstances not impeded performance. Where a module condonement request is approved, the original mark achieved in the condoned module will remain unchanged. Where a student attempts the assessment again through a re-take, then the mark achieved in the retake assessment will represent the final, definitive mark for that assessment component. The relevant assessment board will consider the claim and the outcome will be reflected in the results notified to students.

### 4. ACCEPTABLE FORMS OF EVIDENCE

**4.1. Medical reports/letters:** for significant illnesses, students must visit the doctor or nurse whilst they have the symptoms so that a signed note can be issued which includes precise dates of illness, a diagnosis or description of symptoms and assessment of the impact on the student's ability to prepare for assessments. Notes or reports from health professionals which 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.

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**4.2. Verification of needs assessment evidence:** for students that have previously submitted documented evidence relating to a long term condition/disability to the College. Students should contact the Learning Support Coordinator to request a summary narrative of the condition and the likely impact of the condition on student performance. This should be submitted to the Mitigating Circumstances Panel for consideration. This summary of the assessment must be signed by the College's Learner Support Co-ordinator (or nominee)

**4.3. Counsellor's reports / Mental Health Advisor reports:** for those students who are receiving **ongoing support** from a Counsellor and/or Mental Health Advisor, a signed note (prepared by the Counsellor or Mental Health Advisor) may be submitted that includes a description of the symptoms, an assessment of the impact on student's ability to prepare for assessment over specified time periods and confirmation that a plan for ongoing support and/or treatment is in place. The panel will not normally be able to accept notes that relate to initial consultation appointments or meetings, unless supported by other appropriate evidence.

**4.4.** The College Mitigating Circumstances Panel reserves the right to refer a student to the Fitness to Study panel if recurring or ongoing health issues suggest the student cannot reasonably succeed on the course at the present time.

## 5. SCOPE AND LIMITATIONS

This policy must be used in conjunction with the validating universities policies and procedures, which are available on Moodle for all staff and students.

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## 6. RESPONSIBILITIES

6.1 Students should complete the Mitigating Circumstances forms as available on the College intranet. They should submit the completed forms, with accompanying written evidence, to the HE Registry Office, as soon as possible after deciding to submit a claim for mitigating circumstances.

6.2 Final dates for receipt of mitigating circumstances forms are advertised at the beginning of each academic year, and no late applications will normally be considered.

6.3 The College Mitigating Circumstances Panel will meet no less than once per semester to collate and discuss applications to date.

6.4 Students are advised that evidence of mitigating circumstances is treated sensitively and in confidence. For extension requests, the Course Manager / Academic Leads and Head of HE Operations normally have access to detailed written requests. For deferral and condonement requests, the Mitigating Circumstances Panel, Chaired by an Academic

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Leader with Course Managers in attendance, will normally review written claims, in confidence, before assessment board meetings. A student may request, in writing, that supporting evidence is not reviewed by their Course Manager / Academic Leaders, although the broad nature of mitigating circumstance claims (eg medical treatment, family bereavement, court appearance) will be shared with the Course Manager / Academic Leaders, even if they request that the evidence is not reviewed by them. The precise nature of personal circumstances or medical conditions is not normally discussed at Course Assessment Board meetings, unless, exceptionally, it is considered absolutely necessary to do so, at the discretion of the Chair.

## 7. MONITORING AND REVIEW

The Director of Higher Education will maintain oversight of the effectiveness of these arrangements. This policy and the implementation arrangements which underpin it will be reviewed annually by the Academic Standards Committee in the summer period.

## 8. SUPPORTING/RELATED DOCUMENTS

- University Academic Regulations:
  - Harper Adams University Academic Regulations. Available at: <https://www.harper-adams.ac.uk/apply/applicants/key-info.cfm>
  - Royal Agricultural University Academic Regulations. Available at: <https://www.rau.ac.uk/about/organisation/public-information/academic-information/academic-policies-and-procedures>
  - Leeds Trinity University Academic Regulations. Available at: [http://www.leedstrinity.ac.uk/Key%20Documents/Taught\\_Programme\\_Academic\\_Regulations\\_New\\_Students.pdf](http://www.leedstrinity.ac.uk/Key%20Documents/Taught_Programme_Academic_Regulations_New_Students.pdf)
- HE5a Mitigating Circumstances Procedure
- Student Guide to Mitigating Circumstances
- HE4a Higher Education Assessment Procedure
- HE6 OSCE Policy and HE6a OSCE Procedure

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## **9. REGULATIONS**

In all aspects of the Admissions process the College will comply with the following regulations:

- Validating University's regulations, policies and procedures, as appropriate
- The Disability Discrimination Act 2005
- The Data Protection Act 1998
- General Data Protection Regulations (GDPR)
- Equality Act 2010

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