

HE Mitigating Circumstances Policy and Procedure 2025-2027

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. DOCUMENT HISTORY

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SLT Owner: Assistant Principal HE and Academic Registrar

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2. POLICY STATEMENT

- 2.1. Mitigating Circumstances are events that happen over and above the course of everyday life and are normally outside of a student's control. These events are genuinely unforeseen circumstances or events, leading up to or at the point of assessment that prevent students from being able to submit an assessment.
- 2.2. Throughout this policy reference will be made to Higher Education provision at Askham Bryan College as 'University Centre Askham Bryan' (UCAB).
- 2.3. Each validating institution has slightly different regulations relating to application for mitigating circumstances.
- 2.4. Students are advised to read the institution's Academic Regulations, which are available on the UCAB Hub. It is also advised that students discuss their circumstances with their course manager prior to applying. The Course Manager will be asked to give their approval all Mitigating Circumstances application prior to the convening of the Mitigating Circumstances Panel.
- 2.5. Mitigating Circumstances applications should be submitted at the earliest opportunity and no later than 2-weeks after the end of the semester teaching has finished.
- 2.6. Where a mitigating circumstance occurs later than 2 weeks after the end of semester teaching has finished the Academic Appeals process should be followed in relation to mitigating circumstances not known at the time of the assessment board.
- 2.7. UCAB operates a Mitigating Circumstances Panel to judge applications, however in some cases mitigating circumstances applications are submitted to the validating university for formal approval.

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2.8. The situation'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.

3. PURPOSE

3.1. The purpose of this policy is to set out UCAB's approach to managing mitigating circumstance, including extensions for Higher Education students.

4. SCOPE AND LIMITATIONS

- 4.1. This policy applies to students enrolled on Higher Education programmes validated by Askham Bryan College and outlines the standard policy relating to applications for mitigating circumstances in relation to all course assessments, including examinations.
- 4.2. Mitigating Circumstances relating to other awarding bodies should refer to the relevant institutions policies.

5. DEFINITIONS AND BASIS FOR CLAIMS

- 5.1. Mitigating Circumstances for students on UCAB programmes are defined as unforeseen, unpreventable circumstances that significantly disrupt student performance in assessment.
- 5.2. The Mitigating Circumstances Panel can give discretionary approval for reasons sitting outside of the grounds below, where there is reasonable evidence to support the claim.
- 5.3. Definitions of mitigating circumstances relating to other awarding bodies should refer to the relevant institutions policies. Grounds for mitigation claims include but may not be limited to:
- Serious personal illness which is not a permanent medical condition or disability (for which reasonable adjustments to learning, teaching and assessment arrangements are made). For example, it might include a broken writing arm or an illness requiring hospitalisation that seriously affected a student's ability to study over an extended period but would not include minor ailments. Medical claims must be accompanied by a doctor's certificate.
 - The death of a member of the immediate family before the date of the assessment. In such cases the claim must be accompanied by a copy of the death certificate, this can be submitted retrospectively due to the sensitive nature.
 - Serious mental health issues at the point of assessments. Mental health claims must be accompanied by a letter from a mental health professional external to the organisation or a letter or ProMonitor report from a member of the Wellbeing, Learning Support or Safeguarding team.

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- Situations where attendance is required for a legal reason (e.g., Jury Duty/ Court Case/ attendance at police station) Where a student who has alleged and/or experienced harassment or sexual misconduct, an alleged perpetrator or a witness, during or following such a process.
- Students are expected to make themselves available for onsite-examination, TCA, practical or other in person assessment and should take steps to ensure that they arrive in good time ahead of such assessments by factoring the risk of some delay. Where, however, there is evidence of a significant delay or other transport disruption that the student could not reasonably have anticipated or taken steps to avoid. Transport disruption will not normally justify mitigating circumstances, however there may be cases where the significant nature of the travel disruption has put a student in a situation where they could not complete the assessment within the scheduled time. Consideration will be given to the extent of any such disruption that is beyond what the student could reasonably have anticipated or taken steps to accommodate within their plans to complete or attend the relevant 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).

5.4. 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.

5.5. Students are expected to plan their work and allow time to cope with minor setbacks.

5.6. UCAB will not consider the following events as mitigating circumstances:

- They consider the marks awarded too low.
- They were unaware of the assessment regulations.
- They missed the published examination, through misreading the timetable or foreseeable travel problems e.g., heavy snow.
- General life issues (family, financial), minor illnesses (e.g., headaches, upset shortly before the date of the assessment stomachs, coughs, colds.
- Work was lost because of a technical failure which is not where college hardware/network fails or where there are failures/outages with external providers (e.g., Turnitin) and where this can be evidenced.

This list is not exhaustive, and the College has the right to reject an application for mitigation if the reason is not deemed to be of a serious nature. 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.

5.7. Students who enter the examination room or submit assessed work are considered to have declared themselves fit for assessment and may not therefore retrospectively make a claim for mitigation if they have presented themselves for an assessment, or submitted work for assessment.

- 5.8. A student who has difficulties with the conditions in an examination room must bring this to the attention of the invigilator immediately. If this is not done, the conditions in the examination may not be used as mitigating circumstances.
- 5.9. The Progression and Award Board will, in confidence, consider the mitigating circumstances, in making decisions on module condonement, student progression and final awards. A copy of the claim and documentary evidence will be retained, in confidence, by the UCAB Academic Services for one year following the student's completion or withdrawal from the programme.

6. CATEGORIES OF MITIGATING CIRCUMSTANCES

6.1. *Coursework Extension Requests*

- 6.1.1. Self-certifications: All students can self-certify for a 7-calendar day extension up to and not exceeding 4 assessments in one academic year. Students should complete a Self-certification Form, available on the UCAB HUB.
- 6.1.2. Extensions: A student may request an extension from the Course Manager of up to 2 weeks (including the 7-day self-certification period).
- 6.1.3. 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, normally no later than 48 hours before the deadline. If the Course Manager agrees that there may be acceptable mitigating circumstances, students must discuss their needs with their course manager, students must complete the online Mitigating Circumstances Extension Request Form, including accompanying evidence. The course manager will automatically receive an email asking them to confirm they agree to the mitigating circumstances request.
- 6.1.4. Extension requests may only normally be granted within the current academic session. Any request to complete work for submission for the first time (i.e., 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.

6.2. *Deferral and Condonement Requests*

- 6.2.1. Where a student wishes to request that either:
- 6.2.1.1. Where mitigating circumstances are demonstrated to have affected student performance, the course assessments board has discretion to condone marginal failure (35-39%) excluding an individual major project. The original mark achieved in a condoned module will be used in the classification of awards and the corresponding grade will be included in the transcript, with a reference to the condonement.
- 6.2.1.2. No more than 40 combined credits or 15% of the total requirement, (whichever is the lesser), from compensated and/or condoned modules can contribute to award requirements.

- 6.2.1.3. Condonement requests based on 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 or submitting an assessment. It is not possible for the assessment board to speculate on how a student might have performed had the mitigating circumstances not impeded performance therefore condonement requests will only be considered if a student's overall performance or classification is borderline. Any decision made on condonement claims is at the discretion of the assessment board. 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, even if this mark is lower than the original mark. The relevant assessment board will consider the claim and the outcome will be reflected in the results notified to students.
- 6.2.1.4. Provision for incomplete assessment of poor performance due to illness or other valid cause, which was not known at the point of the Mitigating Circumstances Panel.
- 6.2.1.5. If it is established to the satisfaction of a course assessments board that a student's absence, failure to submit work or poor performance in one or more modules was due to illness or other cause found valid on production of acceptable evidence, then the board shall act under 'a to d' below. It is for the board to decide whether the student has presented a valid case and, where the board is not satisfied, the student does not have a right to resit as if for the first time.
- 6.2.1.6. The student will have the right to be assessed as if for the first time in one or more modules in the normal way or as specified by the Progression and Award Board. If the assessment(s) affected by illness was itself a second attempt the student shall be permitted to resit as if for the second time.
- 6.2.1.7. Where the Progression and Award Board is satisfied that there is sufficient evidence of the student's achievement, or this evidence is subsequently obtained, the student may be recommended for the award for which he or she is a candidate, with or without honours classification as appropriate. To reach a decision the Progression and Award Board may assess the candidate by whatever means it considers appropriate.
- 6.2.1.8. An aegrotat award may be recommended when the course assessments board has insufficient evidence of the student's performance to recommend the award for which the student was a candidate. Aegrotat awards are unclassified, but this word does not appear on the degree certificate.
- 6.2.1.9. Before a Progression and Award Board's recommendation under b and c above is confirmed, the student must have signified in writing that he or she is willing to accept the award and understands that this implies waiving the right to be reassessed under the above.

7. ACCEPTABLE FORMS OF EVIDENCE

7.1. Below are acceptable forms of evidence, this list is not exhaustive, and the mitigating circumstances panel have discretion to accept or decline the application on the validity of the evidence provided.

7.1.1. *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.

7.1.2. *Verification of needs assessment evidence:* for students that have previously submitted documented evidence relating to a long-term condition/disability to the College and a DSA Needs Assessment stipulates extra time and/ or extensions as standard this will be placed on the students' ProMonitor record and used as evidence for extensions/ extra time.

7.1.3. *Counsellor's reports / Mental Health Advisor/ HE Learning Support Team reports:* for those students who are receiving ongoing support from a Counsellor and/or Mental Health Advisor, a signed note (prepared by the Counsellor / Mental Health Advisor/ HE Learning Support Coordinator) 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.

7.1.4. *Death Certificates or Funeral Order of Service:* for those students relating to the death of an immediate family member a copy of the death certificate should be provided, it is accepted that this may be later than the time of submission of the mitigating circumstances application.

7.1.5. Student Services Team/ CPOMS Incident notification where a student who has alleged and/or experienced harassment or sexual misconduct, an alleged perpetrator or a witness, during or following such a process.

7.1.6. Screenshots of travel disruption (e.g. National or local travel news on official websites), dated proof of vehicle breakdown.

7.1.7. The UCAB Mitigating Circumstances Panel reserves the right to refer a student to the Support for Continuing Studies panel if recurring or ongoing health issues suggest the student cannot reasonably succeed on the course at the present time. For students who are in placement the Mitigating Circumstances Panel also reserves the right to defer a student to the Fitness to Practice Panel.

8. RESPONSIBILITIES

- 8.1. The Head of HE Academic Services and Quality Assurance will have overall responsibility for ensuring compliance with this policy. The Head of HE Academic Services and Quality Assurance will be assisted by the HE Registry Coordinator and Curriculum Managers to ensure compliance with this policy.
- 8.2. Students should complete the electronic Mitigating Circumstances forms in consultation with their Course Manager including the supporting evidence.
- 8.3. Course Managers should confirm whether they support the mitigating circumstances claim. Course managers must support the claim if the student meets the criteria as defined in section 5 of this document and there is evidence to support this.
- 8.4. 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.
- 8.5. The UCAB Mitigating Circumstances Panel will meet no less than once per semester to collate and discuss applications to date.
- 8.6. Students are advised that evidence of mitigating circumstances is treated sensitively and in confidence.
- 8.7. For extension requests, the Course Manager logs these on the 'extensions log form.'
- 8.8. For deferral and condonement requests, the Mitigating Circumstances Panel, chaired by a Curriculum Area Manager or Team Leader with Course Managers in attendance, will normally review written claims, in confidence, before assessment board meetings.
- 8.9. A student may request, in writing, that supporting evidence is not reviewed by their Course Manager, although the broad nature of mitigating circumstance claims (e.g., medical treatment, family bereavement, court appearance) will be shared with the Course Manager 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 any Assessment Board meetings, unless, exceptionally, it is considered necessary to do so, at the discretion of the Chair.

9. PROCEDURE

- 9.1. See Appendix I for terms of reference and membership for Mitigating Circumstances Panel.
- 9.2. The procedures for mitigating circumstances are outlined in the supporting flowcharts (Appendix II and Appendix III).

10. MONITORING AND REVIEW

- 10.1 The HE Academic Registrar will maintain oversight of the effectiveness of these arrangements. This policy and the implementation arrangements which underpin it will be reviewed every two years by the Head of HE Academic Services and Quality Assurance.

11. SUPPORTING/RELATED DOCUMENTS

- Student Guide to Mitigating Circumstances – Available on the UCAB HUB
- Lecturers Guide to Mitigating Circumstances – Available on the Academic Services Teams Page
- Validating bodies regulations, policies, and procedures, as appropriate

12. RELEVANT LEGISLATION

- 12.1 In all aspects of this policy the College will comply with the following legislation:

- Data Protection Act 2018
- General Data Protection Regulations (GDPR)
- Equality Act 2010

13. APPENDICES

- Appendix I. Terms of Reference – Mitigating Circumstances Panel
- Appendix II. Mitigating circumstances process for students
- Appendix III. Mitigating circumstances process for staff members

Appendix I. Terms of Reference – Mitigating Circumstances Panel

1. TERMS OF REFERENCE

- The Askham Bryan College HE Mitigating Circumstances Panel operates to implement policy and procedure related to the mitigating circumstances that students can experience that has or may influence or adversely affect their ability to complete work in a timely manner or to an acceptable standard. The Mitigating Circumstances Panel is empowered by the Academic Quality and Standards Committee.
- The Mitigating Circumstances Panel will:
 - a) Ensure the fairness and equality in the application of the relevant awarding body Mitigating Circumstances policy and procedure;
 - b) Assess and record each case of mitigating circumstances presented and approve, or not approve, on a case-by-case basis by assessing the application and supporting evidence as they comply with the academic regulations, policy and procedure of Askham Bryan College or validating partner;
 - c) The onward reporting arrangements will involve the communication of the outcomes of the panel to the individual student concerned, course managers, Academic Services, Academic Quality and Standards Committee, and relevant Assessment Boards.

2. REPORTING

The Mitigating Circumstances Panel reports directly to the Academic Quality and Standards Committee, which in turn reports to the HE Academic Board.

3. MEMBERSHIP

The membership shall be:

- Head of Department(s) (Chair)
- HE Registry Coordinator
- Curriculum Team Leaders
- Academic Services Coordinator (Minutes)
- Head of Academic Services and Quality Assurance (Ex Officio)

4. QUORUM

- Chair
- HE Registry Coordinator
- Academic Services Coordinator

The Head of HE Academic Services and Quality Assurance (Ex Officio) can provide cover if Quoracy is not achievable with other members stated above.

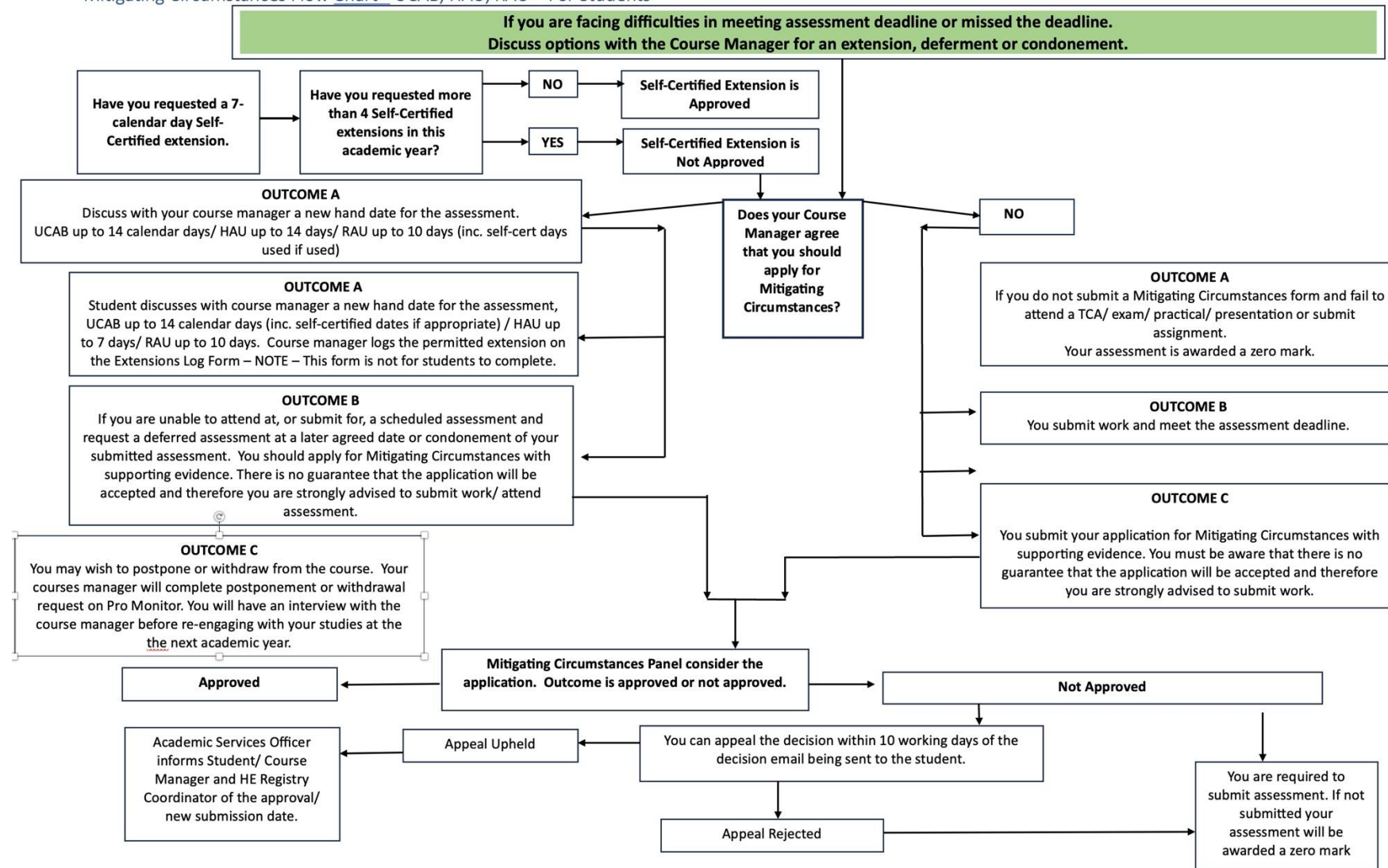
5. MEETINGS

- Normally four Mitigating Circumstances Panel meetings per academic year (normally one per term plus an extra meeting to deal with reassessments).

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Appendix II. Mitigating circumstances process for students.

Mitigating Circumstances Flow Chart - UCAB, HAU, RAU – For Students



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Appendix III. Mitigating circumstances process for staff members.

Mitigating Circumstances Flow Chart - UCAB, HAU, RAU – For Staff

