

# HE Mitigating Circumstances Policy 2020-21

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Implementation:	Department	
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Endorsed and approved by Policy & Strategy Group      Date: ... Sept 2020.....

\_\_\_\_\_ (signature)  
Pat Brennan-Barrett      Principal

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## **1. INTRODUCTION**

Northampton College recognises that there are occasions when a student will be unable to meet an assessment deadline due to circumstances that occur which are out of the control of the student to work around and which impact on the completion of work. On these occasions students and staff require a fair and consistent approach to deferring or extending deadlines with a set of procedures that ensure that any such request is treated in an objective, confidential and supportive manner.

## **2. RESPONSIBILITY**

- 2.1 Students – complete the relevant documentation and provide the required information and independent evidence within the timescales set out.
- 2.2 Course Leaders – consider straightforward applications for extensions, deferrals and study breaks and also offer advice to students on options in a way that will not lead to a conflict of interest in considering any subsequent applications.
- 2.3 Mitigating Circumstances Panel – consider complex applications for deferrals due to mitigating circumstances.
- 2.4 Personal Tutors – provide advice to students on options (mitigating circumstances, extension, study breaks, change of mode) and provide statements of support for students submitting a mitigating circumstances application.

## **3. SCOPE**

- 3.1 To provide students with legitimate mitigating circumstances with an opportunity for a deferral of the affected assessment opportunities.
- 3.2 To provide students with legitimate mitigating circumstances to apply for a repeat year of study.
- 3.3 To provide students at Level 4 with the opportunity to apply to change an academic programme of study.
- 3.4 Mitigating circumstances could be considered so severe that a repeat year of study is deemed appropriate.
- 3.5 On application, a mitigating circumstances request for more than 6 items will be defined as a complex application and the Mitigating Circumstances Panel may suggest that the student consider a Study Break, or withdrawal from study.
- 3.6 All students studying on a Higher Education programme at the College, both full and part-time, are covered by this policy.

- 3.7 A Mitigating Circumstances application is not part of providing mitigating circumstances for an appeal against termination of study.

## **4. POLICY STATEMENT**

This Policy sets out to ensure that students with valid mitigating circumstances will be treated fairly and consistently, whilst also protecting the standard of the College's awards by deterring frivolous or fallacious claims.

This policy should be read in conjunction with the Submissions Policy.

## **5. DEFINITIONS**

- 5.1 'Mitigating circumstances' are defined as a serious or acute problem, or an event beyond a student's control or ability to foresee, which has prevented completion of assessment(s) or attendance at examination(s).
- 5.2 To 'defer' means to forsake the first assessment opportunity in favour of a later one. The later assessment opportunity cannot be deferred (although approved mitigating circumstances means that the lost credits will not count towards accumulated failure).
- 5.3 For the purposes of this policy, where an individual role is named this refers to that role or a nominee.

## **6. KEY PRINCIPLES**

- 6.1 A student who submits an assessment or attends an examination is normally considered to have proclaimed themselves 'fit to sit', and therefore s/he may not later claim that any failure is due to mitigating circumstances. The only exception is when a student is taken ill during an examination, when the Invigilator's report may be used to support a mitigating circumstances claim.
- 6.2 Applications in relation to an assessment which is subsequently submitted, or an examination that is subsequently attempted, will be disregarded and the work will be graded in the usual way.
- 6.3 Mitigating circumstances will only be considered as grounds for deferring assessment(s). Under no circumstances will mitigation be considered as grounds for adjusting the grade(s) awarded for assessments already completed (this is covered by the Assessment Appeals Procedure).
- 6.4 It is important that students involve an appropriate member of academic staff in all applications for mitigating circumstances. This will normally be the student's Personal Academic Tutor or the subject teacher.

- 6.5 Students with disabilities, long term health difficulties or other additional needs may request special arrangements to be made for assessments. Students who develop long term medical problems or personal difficulties during their course of study should consider taking a study break, or moving to part-time study, until their personal circumstances improve.

A disability, long term health difficulty (this also applies to pregnancy), in itself is not grounds for mitigating circumstances, however where unexpected/ unforeseen events occur as a result of the condition (e.g. illness, complications arising) a student may have a legitimate claim.

- 6.6 A student unable to complete an assessment at the first opportunity, other than an examination, may first wish to consider whether an Extension may be more applicable to his/her position. An explanation of the extension process can be found in the Submissions Policy.

## 7. THE PROCEDURE

### a) Deferral

- 7.a.i 'To defer' means to delay an assessment to the next opportunity. In accordance with Awarding Body Regulations there are only two opportunities to submit an assessment or to take an examination. If a mitigating circumstances application is granted for the second opportunity then, if a module is failed overall, it must be repeated ab initio. Such failures will not be included in the overall accumulated failure count.
- 7.a.ii An application to defer an assessment on the grounds of mitigating circumstances should normally be made in advance of the submission deadline or examination date. Exceptionally, in extremely rare specific cases (e.g. emergency hospitalisation on the day of an examination) applications will be accepted after the set deadline, but these must be submitted as soon as is practicable. In cases where an application is submitted after the deadline, the reason for the delay must be included. In all cases applications should normally be submitted within three calendar days before the assessment point.
- 7.a.iii All applications for mitigating circumstances must include independent supporting evidence from a third party; preferably they should also be accompanied by a written statement from the student's Personal Academic Tutor or appropriate designated member of staff. It is solely the student's responsibility to obtain and submit supporting evidence. Any student knowingly submitting false or forged evidence will render themselves liable to disciplinary proceedings under the Student Disciplinary Policy. In exceptional circumstances mitigation may be indicated, and accepted, from a third party.
- 7.a.iv All applications for deferral must include all relevant facts. An application may be rejected if it does not contain the details identifying the unit(s)

and/or item(s) of assessment for which the deferral is requested and the submission deadline/examination date. The form should clearly state the date(s) on which the mitigating circumstances affected the work; these dates must correspond with any information provided in third party evidence. It is the responsibility of the student to establish the facts.

- 7.a.v The College has delegated decision making to a Mitigating Circumstances Panel, consisting of members of the Quality team, which will ensure consistency of decision making across programmes.
- 7.a.vi Decisions on applications for mitigating circumstances deferral will be based upon:
- the validity of the claim, in accordance with the above Policy and the published guidelines;
  - independent evidence submitted and supporting statement by relevant academic staff;
  - the application of natural justice.
- 7.a.vii If the Mitigating Circumstances Panel accepts that the application is valid, the assessment to which it refers will be dealt with in accordance with 4.7.1 and the Submissions Policy. If a mitigating circumstances application is not approved then the outcome for the student will be determined in accordance with the College HE Assessment Regulations.
- 7.a.viii Decisions made on mitigating circumstances applications will be communicated to, and be binding upon, the relevant Assessment Team. Assessment Teams will not take account of mitigating circumstances, or vary mitigating circumstances decisions, when considering an individual student's assessment outcomes but merely implement decisions made in accordance with this Policy.
- 7.a.ix The Mitigating Circumstances Panel will record all applications and decisions and will ensure that the outcomes are monitored. An application for mitigating circumstances will not feature in subsequent references provided by the College, or influence the conferment of an Award.

## **b) Review of mitigating circumstances decision**

- 7.b.i A student whose application is denied for lack of independent evidence or support will normally be allowed seven calendar days to submit additional material. If that material is not submitted within this time period the application will normally be declined<sup>1</sup>.
- 7.b.ii If the application is not upheld for reasons other than lack of evidence or support (or following a student's failure to submit additional material within the given time period) then the applicant may request a review of this decision. This request should be addressed to the Director of Higher

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<sup>1</sup> Where evidence is difficult to produce but where the student has provided a timeframe in which that evidence might be produced, a longer deadline may be agreed on a case by case basis.

Education, and submitted within seven calendar days of the decision letter.

- 7.b.iii Such requests will be dealt with by a Mitigating Circumstances Decision Review Panel consisting of the Director of Higher Education and the Assistant Principal in Teaching Learning and Quality. The decision of the Mitigating Circumstances Decision Review Panel marks the end of the College's internal Mitigating Circumstances Procedure. All applicants whose appeal is unsuccessful will be issued with a 'Completion of Procedure' letter, which details their right to apply for a review to the Office of the Independent Adjudicator for Higher Education.

## **8. Reporting**

- 8.1 Line Managers - Curriculum Managers and Assistant Principals (and equivalents)
- 8.2 Academic Board of Study – student representatives and course leaders
- 8.3 HE Strategy and Implementation group
- 8.4 Governors' Quality, Teaching, Learning and Assessment Committee and Corporation

## **9. Associated Policies**

- Northampton College Fitness to Study Policy
- HE student assessment Policy
- Pearson Submissions and Resubmissions Policy
- HE Assessment Appeals Procedure
- HE Academic Misconduct Policy

## **10. Approval Process**

- Academic Board of Study
- HE Strategy and Implementation Group
- Policy and Strategy Group

## **11. Appendices:**

Appendix 1: Mitigating Circumstances application form

Appendix 2: Mitigating Circumstances guide for students

Appendix 3: Equality and diversity Impact Assessment

Appendix 4: Communications Plan



# Appendix 1:



## Northampton College Higher Education Programme Request for Mitigation Form

NAME: .....

STUDENT ID NUMBER: .....

COURSE: .....

YEAR OF STUDY:.....

SCHOOL: .....

Please consult the Policy on Mitigating Circumstances before completing this form, in particular referring to the grounds for mitigation and the timing requirements for submission.

Please note that an accepted request will not result in the changing of marks. Please see the Basic Guide to Mitigating Circumstances (available on website and below in Appendix 2) for examples of possible outcomes.

The Policy on Mitigating Circumstances defines the grounds for mitigation as a “serious or acute problem, or an event beyond a student’s control or ability to foresee, which has prevented completion of assessment(s) or attendance at examination(s)”.

1. Please **fully explain** the nature of the circumstances or events that you believe have affected, or are affecting, your performance or ability to complete assessments by the due date.

.....  
.....  
.....  
.....  
.....  
.....

2. Dates of periods affected: .....

3. A. Do you consider these circumstances to constitute a disability? YES/NO (please delete as applicable)

B. Are you registered for support for this matter? YES/NO (please delete as applicable)

**Please note:** where the completion of assessed work is likely to be affected on a regular basis by a notified disability or learning support need, we would expect a support package to be in place on a long-term basis rather than through mitigating circumstances.

### 4. Deadlines for submission of this form

Tutors will advise students about the deadlines for submitting a request for mitigation but it is commonly expected that this form will be submitted before the beginning of an assessment period or the deadline for an assessed piece of work. Requests for mitigation for circumstances which arise during the course of an assessment period should be submitted within three working days of the end of the assessment period. Late requests for mitigation will not be considered without a credible and compelling explanation as to why the request was not made before the beginning of the assessment period. If necessary, please provide your explanation as to your late submission below, and attach any evidence to support your explanation:

Policy Title

.....

.....

If an Examination Board has already confirmed the results of your assessment, you should consult you will need to follow the Academic Appeals Procedure (available on College website) and follow the procedure outlined, as Northampton College will not usually accept a Request for Mitigation Form after the Examination Board has met.

**5. Affected assessments** (Please complete all relevant sections)

**A. Assessed coursework affected**

**If you are registered with DSS, do you have an automatic extension in place? YES/NO**

Unit Code	Title	Have you submitted the work? If so was it on time or late?	Due submission date
		YES/NO      ON TIME/LATE	
		YES/NO      ON TIME/LATE	
		YES/NO      ON TIME/LATE	
		YES/NO      ON TIME/LATE	
		YES/NO      ON TIME/LATE	

**B. Other assessments affected** (e.g. group work; in-class tests; presentations etc.)

Course Unit Code	Course Unit Title	Date of assessment	Type of assessment e.g. presentation	Did you attend/submit?
				YES/NO
				YES/NO
				YES/NO
				YES/NO
				YES/NO

**6. Supporting Documentation**

**A. General**

To allow for a thorough consideration of your request, it is essential that supporting documentation is attached; failure to do so may affect the outcome of your request. Supporting documentation should be independent and time-specific to the circumstances for which you are requesting mitigation. Please tick the relevant box below.

- Letter from medical practitioner
  - Letter from Counselling Service
  - Police Report
  - Other (please specify)
- .....

Please ensure that any hard copy supporting documentation is contained in a sealed envelope which is clearly labelled with your name and details.

**B. If you are unable to provide supporting documentation**

Should you be unable to provide supporting documentation please provide the reason why, and indicate when such documentation will be available:

[Type here]

Policy Title

.....

.....

**C. Students receiving DSA support**

If you are applying for mitigation due to issues directly related to your disability, you do not need to provide any additional supporting evidence if you are already registered with the DSA, but you must provide a detailed explanation of how your disability is currently affecting your studies. It is not sufficient to indicate only that you are registered with the DSA. If you need to request mitigation for an issue that is not directly related to your disability, or you have a disability but are not registered with the DSA, you must provide supporting evidence.

**D. Other support services**

If you are currently using another support service, which you believe has information relevant to this request, please provide the details of your contact within that service here:

.....

**E. Declaration and important notes**

I confirm that all information given or referred to above is true and that I believe there has been a significant adverse effect on my performance as a result of the circumstances and/or events described. I consent to the sharing any relevant personal data about me between appropriate staff based on the information disclosed on this form, which may be necessary to allow for the consideration of my request for mitigation.

**Note:** This form may also be shared with a disciplinary panel in the event of you being referred for disciplinary action at a similar time period to you submitting this form.

SIGNATURE:

DATE:

**THIS FORM SHOULD BE SUBMITTED TO YOUR SCHOOL OFFICE, AS IDENTIFIED IN YOUR PROGRAMME HANDBOOK OR INTRANET.**

**PLEASE NOTE:** Should your request be accepted, you will be informed about what mitigation has been granted, e.g. a new deadline. While you are awaiting the outcome of your request for mitigation, you should continue to work to any assessment deadlines that have been set, unless your circumstances completely prevent you from doing so.

For office use

RECEIVED BY:

DATE OF RECEIPT:

DATE OF MITIGATING CIRCUMSTANCES PANEL:

OUTCOME:

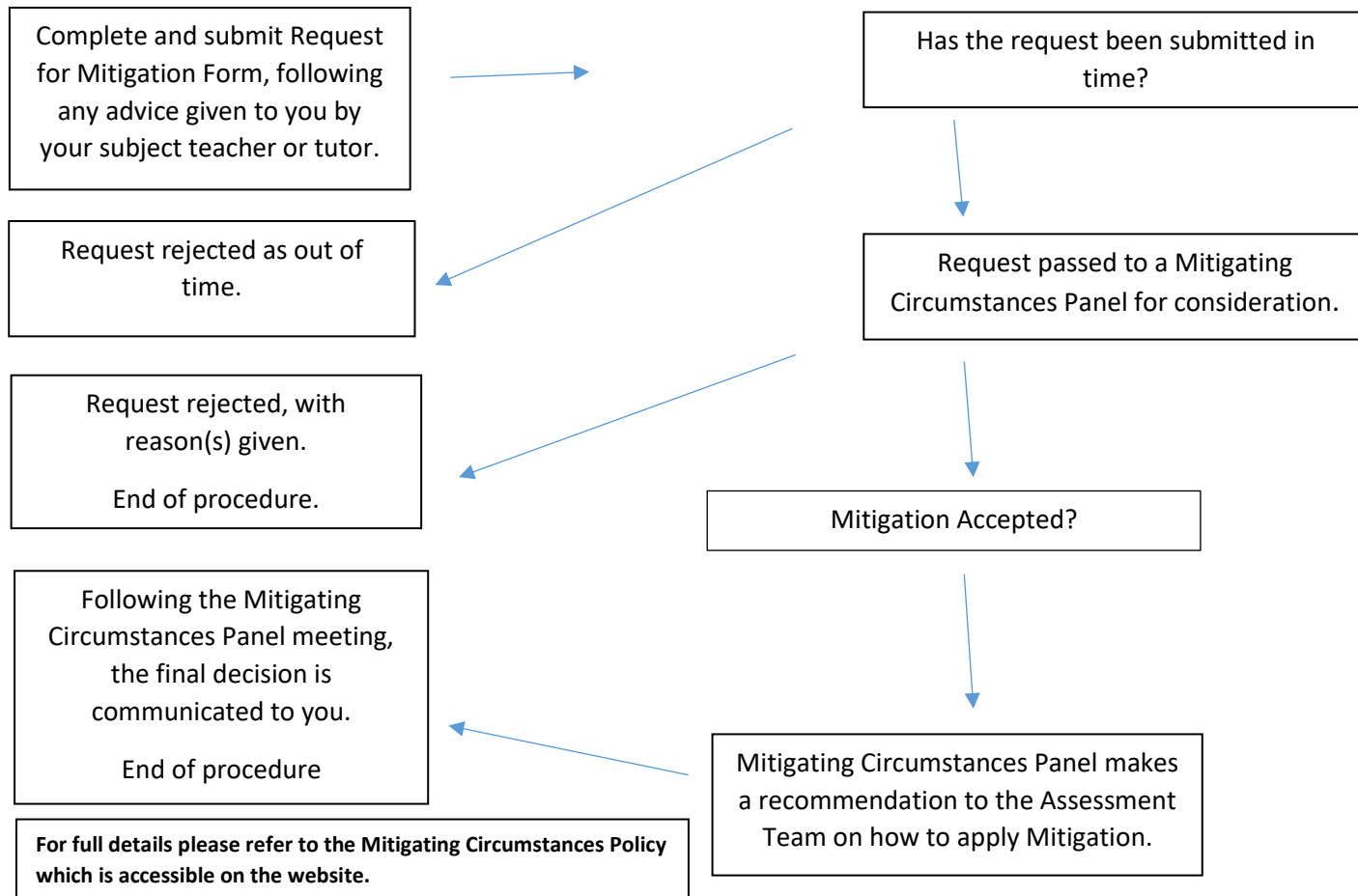
RECOMMENDATION MADE:

[Type here]

## Appendix 2:



### A Basic Guide to Mitigating Circumstances



**Important: you should normally provide appropriate independent and time-specific evidence to support your mitigating circumstances request, preferably at the time of submitting the form, or, if not, as soon as possible afterwards. You should also comply with any additional requests made by the teaching team. Students registered with a disability will not usually need to provide further evidence of the disability itself but may need to provide evidence of issues exacerbating it if applicable.**

#### Some points to bear in mind:

- If you think mitigating circumstances might affect your academic performance you should tell your tutor as soon as possible. Mitigating Circumstances applications must be submitted by published deadlines. Your tutor will advise you of these.
- The College defines mitigating circumstances as ‘serious or acute problem, or an event beyond a student’s control or ability to foresee, which has prevented completion of assessment(s) or attendance at examination(s)’. Events that were planned or could reasonably have been expected, such as holidays or a house move, will not normally be regarded as grounds for mitigation
- Mitigating Circumstances approval never leads to individual assessment marks being changed

## Appendix 3: EQUALITY & DIVERSITY IMPACT ASSESSMENT

This template has been designed to help you take action to improve services and practices which affect staff, students and other service users at Northampton College. By completing this template, you would have considered the impact that your policy, practice or service might have on particular social groups within the college community. The exercise will also provide you with the opportunity to demonstrate, where possible, that the College promotes equity, diversity and inclusion.

Once this Equality Impact Assessment has been created, please include on the last page of your policy document.

Policy Details	
What is the policy?	HE Mitigating Circumstances Policy
Is it new or existing?	New
Department	HE
Policy Author (postholder title, name)	Julie Teckman, Director of HE
Author of Equality Analysis	
Date of completion	

Aim and Objectives
Briefly describe the aims and objectives of the policy
The policy aims to create a fair and consistent set of procedures to make decisions about requests for extensions to or deferrals of deadlines for assessed work. It will enable staff and students to access a process for requesting, considering and conferring a decision about whether the circumstances mitigate the need to extend a deadline or to override the criteria that would normally be used to assess a student's performance.

Policy Assessment				
Consider whether your policy might have an impact on various groups identified within the categories listed below and explain why you have reached this conclusion. Please tick (✓) the identified level of impact (positive, negative, or no impact) and provide details of your findings.				
	Positive Impact	Negative Impact	No Impact	Findings
Race	✓			
Religion and/or belief	✓			
Sex (Gender)	✓			
Gender Identity	✓			
Disability	✓			
Age	✓			
Sexual orientation	✓			
Marriage and/or civil partnership	✓			
Pregnancy and/or maternity (including surrogacy and adoption)	✓			
Other identified group (e.g. carers)	✓			

Action Planning			
How do you intend to mitigate or eliminate any	If a positive impact is identified, how do you intend to	Where negative impact has been identified, can it be	How do you intend to mitigate or eliminate any negative impact identified?

Policy Title

negative impact identified?	promote or develop this opportunity?	justified? If so, explain how.	

**Monitor and Review**

How will you monitor the impact of your policy once it has been put into effect?

Regular monitoring of Mit Circs requests and impact of decisions on student achievement and progression

Names and position of Impact Assessment Team (min of 3 preferably from areas across the College):

Name	Position
Julie Teckman	Director of Higher Education
Jenny Thorpe	Assistant Principal Learning, Teaching and Quality
Hilary Letts	

Equality Analysis Sign-Off Signature and Date:

Review Date:

## Appendix 4: COMMUNICATIONS PLAN

<b>TITLE OF COLLEGE POLICY:</b> HE Mitigating Circumstances	<b>DATE APPROVED BY</b>  Date:
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<b>AUDIENCE (select appropriate with ✓)</b>				
Managers	✓	Curriculum teams	✓	Business Support teams
All staff		Suppliers		Partners
Other - Students	✓			

<b>CHANNEL (select appropriate with ✓)</b>				
Policy & Strategy Team (PST)	✓	Quality Improvement Network (QIN)		Marketing team
Meeting		Meeting		NC Update Intranet Website
Individual team	✓	Suppliers		Partners
Document Library Noticeboards Team meeting Email		e.g. Letter or email Meeting		e.g. Letter or email Meeting
College Management Team (CMT)		JCNC		CORPORATION
Meeting		e.g. Meeting Email		e.g. Meeting Email

<b>COMMUNICATIONS PLAN ACTIVATED BY:</b>		
Name: Department	Job title:	Date: