



## Mitigating Circumstance Policy and Procedure

Reference	
Status:	Final
Document Title:	Mitigating Circumstance Policy and Procedure
Version:	5.3
Date:	April 2022
Previous Version/Date:	5.2
Next Review:	April 2023
Classification:	Internal
Approve By:	Academic Board
Prepared By:	Quality Assurance
Received By:	BoD/COB
External Referents:	<p><i>UKSCQA/ UKQC Core Practice-S4, Q6</i></p> <p><i>Advice and Guidance-Assessment (11/18)</i></p> <p><i>Pearson's "BTEC Centre Guide to Quality Assurance and Assessment 2021/22"</i></p> <p><i>OIA: The good practice framework: handling student complaints and academic appeals</i></p>

### Contents

<b>1. Aim</b>	<b>2</b>
<b>2. Policy</b>	<b>2</b>
<b>3. Definition of Mitigating Circumstances</b>	<b>2</b>
<b>4. Procedures</b>	<b>3</b>
4.1. Mitigating Circumstances Claim Process	3
4.2. Claim Deadlines	3
4.3. Submission of work	3
4.4. Principles for the consideration of mitigating circumstances	3
4.5. Assessment and Progression Board Decisions	4
4.6. Appeals	4
<b>5. Appendix</b>	<b>5</b>



## **1. Aim**

- 1.1. The aim of the mitigating circumstances policy is that it is set out to be explicit, transparent and accessible in relation to the mitigating circumstances claim for all students to ensure that the policy, procedures and processes are equitable, valid and reliable.

## **2. Policy**

- 2.1. The policy, procedures and processes for mitigating circumstances claims are accessible, equitable, valid and reliable.
- 2.2. The decision for the mitigating circumstances applications and any exercise of discretion are made in a consistent manner by individual boards/panels.
- 2.3. The policy and procedures make clear the limits of the range of decisions which may be made by the examination board/assessment panel, for example whether marks may be changed, new assessment attempts allowed or fails disregarded.
- 2.4. All decisions related to the mitigating circumstances claims are to be made transparently and fairly.
- 2.5. All applications for mitigating circumstances are held securely and disclosed only to those who need access to the information and have a right to see it.
- 2.6. On-going conditions and other disabilities are considered under the "Student Support and Reasonable Adjustments Policy" and thus do not fall within the confines of this policy.

## **3. Definition of Mitigating Circumstances**

- 3.1. Mitigating circumstances are defined as:
- 3.2. Circumstances that are unexpected, significantly disruptive and beyond the control of the student, which could not be reasonably predicted or accommodated by the student and which affects the student's ability to meet assessment deadlines or impairs the performance of the student in assessment. These will include, but not be limited to:
  - 3.2.1. Serious personal injury, medical condition or mental health condition or medical operation (if an emergency) preventing attendance, completion of assessment or submission of work
  - 3.2.2. Bereavement of a close family member, partner or friend
  - 3.2.3. Unexpected caring responsibilities caused by sudden serious illness or worsening of on-going medical condition to child, partner or close relative, with evidence from a medical practitioner.

## **4. Procedure**

### **4.1. Mitigating Circumstances Claim Process**



- 4.1.1. To initiate a mitigating claim a student must complete the Mitigating Circumstances Claim Form and provide documents in evidence to support their claim. The form and its related guidance are available on the College website, Virtual Learning platform and Student Portal. Additionally, a student can access the hardcopy from the reception office.
- 4.1.2. The claims must be submitted to the College reception c/o the Registrar in the first instance.
- 4.1.3. The College Registrar will conduct an initial assessment of claims received and will inform those students in writing where claims are not allowable in accordance with the Guidance.
- 4.1.4. The College Registrar will then arrange a meeting with the Chair of the Assessment and Progression Board. to consider the mitigating circumstances claim. They will determine whether the mitigating circumstances were material to the student's performance in the assessment in question and whether there is sufficient evidence to warrant accepting that the mitigating circumstances occurred. They will agree on recommendations of final decisions to be endorsed by the Assessment and Progression Board.
- 4.1.5. Decisions are endorsed at the Assessment and Progression Board.
- 4.1.6. Students are informed of the decision of the Assessment and Progression Board in writing within the prescribed timeline.

#### **4.2. Claim Deadlines**

- 4.2.1. All claims must be submitted on or before the assessment deadline unless there are compelling grounds. Students with compelling grounds must submit the claim at least one week before the Assessment and Progression Board meeting.

#### **4.3. Submission of work**

- 4.3.1. Students are advised that they must make every effort to submit work by the deadline even if it is incomplete or they must submit work at the earliest opportunity on their return to College, even if as a result of the mitigating circumstance, it is incomplete.

#### **4.4. Principles for the consideration of mitigating circumstances**

- 4.4.1. All student work must be marked by tutors as presented with no account taken of mitigating circumstances at this stage.
- 4.4.2. Independent documentary evidence in its original form shall normally be required. Photocopies or scanned copies of evidence will not be accepted. Evidence must be presented in English, with any translations provided using an authorised translator.



4.4.3. It is the student's responsibility to inform the College of any circumstances that they consider may have affected their assessment by submitting a Mitigating Circumstances Form by the stipulated deadline.

4.4.4. Students cannot appeal against their results on the grounds of mitigating circumstances if they could reasonably have reported them to the College in advance.

#### **4.5. Assessment and Progression Board Decisions**

4.5.1. If the Board is satisfied that a student's failure to submit work or poor performance in a module assessment was due to illness or other valid cause, they may choose to implement the following options:

**4.5.2.1.** Course work: To offer the student another opportunity to submit the work by a date agreed by the Board up to an additional five weeks, as if for the first time and without penalty.

**4.5.2.2.** Examinations: The student would normally be allowed either an examination re-sit or unit re-take opportunity. This opportunity can be granted irrespective of the mark obtained if the student had undertaken the examination.

**4.5.2.3.** Further referrals can only be considered with mitigating circumstances provided that a new claim is submitted together with relevant documentary evidence.

4.5.2. The Mitigating Circumstances claims outcomes are recorded by the Assessment and Progression Board.

#### **4.6. Appeals**

4.6.1. Students have the right to appeal against a decision of the Assessment and Progression Board but only on these two grounds:

4.6.2.1. there existed mitigating circumstances affecting the student's performance of which the assessors were not aware when their decision was taken, and which could not reasonably have been presented to the assessors. If resting on this ground, the candidate's request must be supported by new medical certificates or other documentary evidence acceptable to the Appeal Panel;

4.6.2.2. there was an administrative error or procedural irregularity or other inadequacy in the conduct of the assessors or processing of marks or grades of such a nature as to cause doubt as to whether the result might have been different had there not been such an error.

4.6.2. To appeal against a decision student should refer to the LCC Academic Appeals Policy and Procedure which is available on the College website and via the student portal.



## 5. Appendix

### Flowchart of the Mitigating Circumstances Process

