

## **Guidance for Mitigating Circumstances procedures**

Please note that this Policy remains applicable for the 2020/21 year but with the following exceptions in response to the disruption from COVID-19. These changes are effective from March 2020.

- 1) The Department Mitigating Circumstances Panel may exercise discretion to suspend the need for formal evidence required for claims if, in the opinion of the Panel, there are legitimate reasons why it is not possible for the student to obtain evidence. Such claims may be related to, but are not limited to:
  - bereavment
  - claims that would normally require students to submit medical evidence (e.g. hospitalisation)
- 2) Where evidence is not submitted sections 11, 15, 16, 17, 18 and 26 of this policy will not apply. Decisions made to suspend the requirement for evidence should be applied consistently wherever possible. The Panel retains the right to require students to submit formal evidence to support their request.
- 3) The addition of the following examples as acceptable grounds for claims:
  - Bereavement due to COVID-19
  - Hospitalisation due to contracting COVID-19
  - Self-isolation due to having COVID-19 or COVID-19 like symptoms
  - Financial impacts due to furlough, loss of work or redundancy
  - Difficulties in completing work because of limited access to a computer, internet or quiet study space
  - Reduced capacity to study due to having to home-school, children/or caring for vulnerable relatives etc.
  - Taking on extra work in employment to cover staff absences/ extra shifts as a key worker
  - Deterioration of existing mental ill health conditions or development of such conditions

Please see the '[COVID-19 Response - Mitigating Circumstances - Guidance for Students](#)'.

- 4) All mitigating circumstances claims should be submitted using the online process.

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### **Guidance on Independent Documentary Evidence**

This should be an official document e.g. a letter on official headed paper, should be verifiable, and should normally include the dates during which the circumstances applied.

Mitigating Circumstances claims submitted after the final deadline (2 weeks after the assessment date or assessment deadline to which the claim relates) will not be accepted and students will need to refer to the Student Appeals Policy and Procedure. The following is an exception to this rule.

Where a student is unable to submit their mitigating circumstances claim by the deadline, and is able to evidence the reason for this (for example, if a student was hospitalised over the deadline) their claim may be accepted for review at the discretion of the mitigating circumstances panel. A maximum of six weeks is allowed for a late claim of this nature following the missed deadline. After this time students should submit a formal appeal and refer to the Student Appeals Policy and Procedure.

In cases where mitigating circumstances panels request additional documentation from a student to inform their review of a claim, new evidence will be accepted after the original deadline has passed.

Supporting statements from Personal Tutors may be submitted with a claim if the Tutor has been made aware of the specific mitigating circumstances and how they have affected the student. However, such a statement should not be considered to be independent evidence and should not constitute the sole piece of evidence for a claim.

### **Counselling and psychological therapy**

Therapists, counsellors, and other mental health professionals with a recognised qualification (e.g., registered with HCPC, BACP, UKCP) may provide a confidential statement.

### **Illness and Injury**

Circumstances relating to illness or injury must be independently verified by the person, practice or institution that diagnosed or assessed the illness/injury at the time it occurred. Medical practitioners must be registered with the General Medical Council in the UK, or equivalent if medical treatment is sought abroad.

Evidence must take the form of a medical certificate or doctor's letter that is either obtained at the time of the illness or evidence that makes it clear that the student was unwell at the time. It should state the time and duration of the illness and include a clear medical opinion (a note from the doctor indicating that the student *told* them that they were unwell will not be accepted). Self-certification cannot be accepted.

Written evidence from Complementary Therapists or medical practitioners from online GP services will only be considered where the College is satisfied that the therapist or medical practitioner is a member of a recognised professional body.

Where a student submits repeat requests for the same condition, the Panel may use its discretion to continue to accept the requests or to reject a request and instead require the student to apply for reasonable adjustments. Where the Panel feels this is necessary, the request should be accepted but the student warned that further requests for the same condition are unlikely to be permitted.

Where students have a fluctuating medical condition recorded in their SSP it may not be reasonable to expect the students to produce additional medical evidence each time they wish

to make a claim. The mitigating circumstances panel should exercise appropriate discretion in these instances and refer to the Disability & Dyslexia Service where necessary.

### **Bereavement**

Where the death is of someone related to or known to the student, the College normally requires a death certificate or an officially certified copy of a Death Certificate or written confirmation from a GP to be provided. The College recognises that it can be very difficult to be asked for 'evidence' in the case of very sensitive circumstances such as the death of a close relative. In such cases, the Panel may exercise its discretion to suspend the need for formal evidence. However the Panel retains the right to require the student to submit formal evidence to support their request.

Where a student has been affected by a death of someone other than a partner, parent, child or close family member, the College requires the student to explain the relationship to the deceased and the impact upon their performance in assessment. Bereavement will normally be considered to cover the assessments within the term the death occurred. If a student feels they have been affected by a death beyond this they will normally need to provide additional evidence to indicate how the death has affected them personally e.g. a doctor's certificate.

### **Financial and Accommodation Problems**

Claims and evidence for financial and accommodation problems are considered on a case-by-case basis and must comply with the conditions for independent documentary evidence and must fulfil the principles of the Mitigating Circumstances process.

### **Chronic or Long-term Conditions and Personal Examination Provisions**

Reasonable adjustments for examinations and other assessments may be made for students with particular disabilities or difficulties affecting their ability to undertake the proposed examination or other form of assessment.

Students who have been granted personal examination provisions for assessments would normally not have a claim of mitigating circumstances accepted for the same piece of assessment unless the arrangements were shown to be inadequate or the mitigating circumstances affected the student over and above the personal examination provisions that had been made for them.

### **Computer and Information Technology problems**

Failures of equipment, including IT systems and computer viruses will only be accepted when they occur site-wide, college-wide, nationally or internationally and are verified by the University Information Systems and Support Department. Personal Equipment and system failures would normally only justify late submission of coursework for up to 24 hours and should be verified by an independent source.

### **Employment**

The College understands that students have to work to finance their studies but must ensure the integrity of its awards. Students should consider whether they can comply with the requirements of their chosen programme before enrolling at the College.

Students in employment who are prevented by their employer's action(s) from attending assessments or completing work by the published deadline must provide documentary evidence from their employer.

### **Guidance on Grounds for Mitigating Circumstances**

Please note that this guidance is indicative only and does not represent an exhaustive list of circumstances which may or may not be eligible for consideration. Where there are doubts about the validity of claims then mitigating circumstances panels may contact the Academic Standards and Quality team at [asq@bbk.ac.uk](mailto:asq@bbk.ac.uk) for further advice.

#### **Examples of circumstances beyond the reasonable control of the student:**

- bereavement (near relative only)
- serious accident or illness
- sudden deterioration of a long-term condition
- burglary and theft
- childbirth (e.g. going into labour on the day of an assessment)

#### **Examples of situations which *may* be considered beyond the reasonable control of the student:**

- medical operation (if approved prior to the point of assessment or an emergency)
- hospital tests (if approved prior to the point of assessment or an emergency)
- being taken ill during an examination
- significant accident, injury, acute ailment or condition
- unanticipated and unavoidable professional obligations
- private or public transport failure leading to delays of more than 1 hour (corroborative evidence is required to verify such a delay)
- pregnancy

#### **Examples of circumstances that would NOT normally be considered mitigating circumstances:**

- accidents to friends or relatives (unless within 3 days prior to deadline or examination or where student is sole carer)
- family illness (except in an emergency or where the student is the sole carer)
- examination nerves
- childcare problems that could have been anticipated
- domestic problems (unless supported by independent evidence)
- mistaking the deadline
- private or public transport failure leading to delays of less than 1 hour
- general financial problems
- legal problems (unless required to attend Court on the day of the assessment)
- holidays or booked travel arrangements
- house moves
- notes burned or stolen (unless supported by a fire or police report)
- intermittent or last minute computing equipment problems (discs, machines, printers, viruses)
- handing-in problems
- inclement weather (unless exceptional/severe conditions)
- ignorance of the Regulations or examination/assessment arrangement
- inadequate planning and time management.
- having more than one examination on the same day.
- examination clashes arising from incorrect registration by the student
- any event that could reasonably have been expected or anticipated.

## **Good Practice Case Studies**

### **Case 1: SSP flare ups**

A student has Rheumatoid Arthritis. She has regular flare-ups which are acutely painful and last two or three days. During the flare-ups she is unable to write or type. The College adjusts its usual mitigating circumstances processes so that she is not required to submit additional medical evidence of her condition each time she requires an extension, although she is still required to submit a mitigating circumstances request form. The student misses her assessment deadline due to a flare up a day before the work is due, and submits a claim form with the completed work five days later. The department upholds the mitigating circumstances request in this instance without an additional doctor's note.

### **Case 2: Late submission due to illness**

A student has been in bed ill for ten days. He sees his GP who gives him a medical certificate confirming that he was unfit to work/study for that period of time. Directly after his recovery the student is due to submit an assessment. He has not been able to work on the assessment whilst ill, although he had completed over half the work before becoming unwell. The student thinks he could finish the work if he had just a bit more time and submits mitigating circumstances requesting a five day extension to the deadline.

The student hands in the work three days after the deadline date. His submission for an extension is approved because he has medical evidence that confirms the dates of the illness. Therefore the student's work does not receive a late penalty mark deduction.

### **Case 3: SSP without flare up**

A student is dyslexic and struggled with the completion of one of their assessments. They submitted a mitigating circumstances application with the statement confirming their dyslexia and requested an extension.

The student's application was rejected on the basis this was not a valid mitigating circumstance. The student had been diagnosed with dyslexia for some time and has an SSP in place. This was not a short term unforeseen event; the student would need to manage their dyslexia for the duration of the course.

A meeting was arranged for the student with Wellbeing staff to ensure the student fully understood the support available and was continuing to use it.

### **Case 4: Bereavement**

A student's grandmother passed away on 1 February with the funeral being held on 12 February. The student had an assessment to submit on 1 May which they wish to delay taking until the next available opportunity. The student submits a mitigating circumstances form, a copy of the death certificate and a copy of the order of service. As the bereavement occurred 3 months prior to the deadline the mitigating circumstances request is not upheld. Therefore the student gets an opportunity to re-submit the assessment at the next opportunity with a cap of 40%.

### **Case 5: Self certification**

A student retrospectively visits a doctor claiming they felt unwell during the period when an assessment was due but have now recovered and need a note for the College. They submit a mitigating circumstances claim following the missed assessment deadline with a doctor's note. The claim is rejected by the department and they reference the mitigating circumstances

guidance which states evidence: 'must take the form of a medical certificate or doctor's letter that is either obtained at the time of the illness or evidence that makes it clear that the student was unwell at the time. It should state the time and duration of the illness and include a clear medical opinion (a note from the doctor indicating that the student told them that they were unwell will not be accepted). Self-certification cannot be accepted.'

### **Case 6: Eviction**

A student receives an eviction notice in January from their landlord, they are struggling to find new accommodation and are concerned about becoming homeless. They manage to find a temporary living situation but claim the impact of this has meant they could not complete their assessments on time. The assessment deadlines are in May and the student fails to submit all the work on time. The mitigating circumstances claim is rejected as the circumstances were not unforeseen (with the deadlines being four months after the eviction notice was issued). The student is referred to the College's student services department who are able to advise the student further regarding housing and hardship.

### **Case 7: Mental Health decline**

A student has sole caring responsibilities for a family member who has become unexpectedly seriously unwell. The impact of this has had a negative impact on the student's mental health and wellbeing. The student has gone to the doctor who has diagnosed an onset of a mental health condition which corresponds with their assessment deadlines. The student submits a mitigating circumstances claim, which is upheld as the doctor's note covers the assessment dates affected.

### **Case 8: Missed the mitigating circumstances deadline**

A student has a serious illness, evidenced by supporting medical documentation. They are in and out of hospital during the assessment period, and miss the mitigating circumstances deadline of two weeks due to the illness. They submit their mitigating circumstances claim three weeks late, but explain the reason for missing the deadline. Their medical documentation covers the entire period for the claim, and the mitigating circumstances panel agrees to review this despite the late submission. The panel agree to uphold the claim.

### **Case 9: Repeat claims for the same mitigating circumstances**

A student submits a claim for mitigating circumstances due to a health condition, which is upheld by the panel, and the student is subsequently allowed an uncapped assessment attempt. The student then submits an additional mitigating circumstances form for the reassessment citing the same health condition, the panel accepts the request and allows one further uncapped assessment attempt, on the condition that the student organises a meeting with the wellbeing team to discuss support arrangements and the possibility of setting up an SSP. The department informs the student that further repeat requests are unlikely to be accepted as long term conditions are not deemed unforeseen mitigating circumstances. The student is unable to submit the work on the third attempt and asks for mitigating circumstances again, the student has not engaged with the wellbeing team and the circumstances have not changed. The department rejects the request as the circumstances were not unforeseen and refer the student to wellbeing support again. The student is then allowed reassessment under normal CAS regulations, but the mark is capped.