

## **Guidance for Mitigating Circumstances procedures**

Please note that this Policy remains applicable for the 2021/22 year but with the following exceptions in response to the disruption from COVID-19.

- 1) No documentary evidence is required for any claims. Please ignore reference to this in sections 11, 15, 16, 17, 18 and 26 of the policy.
- 2) 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'.

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

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**Guidance on Independent Documentary Evidence**

No documentary evidence is required for 2021/22 academic year.

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.

**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.

### **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. There is no need for the student to submit medical evidence, 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.

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

A student has been in bed ill for ten days. Directly after their recovery the student is due to submit an assessment. They have not been able to work on the assessment whilst ill, although they had completed over half the work before becoming unwell. The student thinks they 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. Their submission for an extension is approved. 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. 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 submits a mitigating circumstances claim following the missed assessment deadline within the required 2 weeks after the assessment was due. The claim is accepted by the department as students are able to self-certify without the need for any evidence, such as a doctor's note. The claim submitted by the student should make it clear that they were unwell at the time. It should state the time and duration of the illness.

**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 despite not requiring submission of the doctor's note.

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

A student has a serious illness. 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 on the mitigating circumstances form. Despite not requiring submitting evidence of the dates of the illness, the mitigating circumstances panel agrees to uphold the claim despite the late submission.

**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.