

# **Mitigating Circumstances Policy and Procedure**

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4.0	Replacement following review Jan 25	<ol style="list-style-type: none"> <li>1. Updated links to provider policies and procedures</li> <li>2. Inclusion of Skills Education Group</li> </ol>



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## 1. Introduction

This Policy and Procedure sets out UCEN Manchester's regulations governing mitigating circumstances (MCs) and the procedure for submission and consideration of MC applications.

This policy aims to:

- Provide a clear understanding of what mitigating circumstances are and how to apply;
- Ensure fair and consistent consideration of all MC applications;
- Enable UCEN Manchester staff to manage Mitigating Circumstances effectively.

This Policy and Procedure applies to all Higher Education (HE) students studying a Higher National Pearson or Skills Education Group course at UCEN Manchester and only applies to summative assessment (i.e. assessment formally submitted for marking and credit).

If the course is delivered by UCEN Manchester but is in partnership with a University, then the appropriate institution policy and procedure will apply:

For **Manchester Metropolitan University**, please refer to the Assessments Extension Procedure:

[Manchester Met Policies](#)

For **Sheffield Hallam University**, please refer to the Extensions and Exceptional Circumstances Policy:

[Sheffield Hallam Policies](#)

For **University of Huddersfield**, please refer to section 8 of Regulations for taught students:

[University of Huddersfield](#)

## 2. What are Mitigating Circumstances?

UCEN Manchester acknowledges that students may face difficulties and challenges whilst studying a Higher Education programme. Whilst most challenges will be part of everyday life, sometimes they may have an impact on a student's ability to complete assessments.

Mitigating Circumstances are circumstances which are **unplanned, short term** and have a serious impact on a student's ability to attend or submit an assessment on time. They are circumstances which the student has **no control** over or could **not have reasonably anticipated** at the beginning of the academic year; and are **unpreventable** in that, there are no actions the student could have taken to prevent the event or circumstances occurring. The circumstances must have occurred in **close proximity to the assessment event**.

Mitigating Circumstances only relate to sudden, unexpected circumstances and therefore long term illnesses/conditions, disabilities and ongoing circumstances are not normally considered under this procedure, unless they meet the above criteria.

This policy and procedure explains what a student must do if faced with such circumstances which impact the ability to engage with assessments.

### 3. Examples of Mitigating Circumstances considered Acceptable/Unacceptable

As explained in section 2, not all difficulties faced whilst on programme will be considered acceptable as Mitigating Circumstances. Examples of situations which would be considered 'Acceptable' under the Mitigating Circumstances Policy include, but are not limited to:

- Illness lasting several days;
- Oncoming of severe illness in a timed assessment e.g. exam, practical assessment;
- Bereavement;
- Severe illness of a close family member resulting in increased caring responsibilities;
- Injury or accident;
- Being called for Jury Service or other national representation;
- Severe financial difficulties which could not have been foreseen or avoided;
- Severe disruption to public transport impacting on assessment submission or attendance.

Situations may be deemed 'Unacceptable' if they could have been avoided, planned for or do not have a significant impact on a student's ability to complete or attend assessment. Examples include, but are not limited to:

- Unavailability of books, resources;
- IT issues not related to UCEN Manchester systems;
- Not having saved or backed up a copy of work;
- Misreading assessment submission timetable or exam timetable;
- Oversleeping;
- Avoidable public transport issues;
- Minor ailments, except those that prevent attendance at a timed assessment;
- Holidays;
- House moves;
- Work commitments;
- Long standing health condition – unless there is an intensity of the condition/symptoms;
- Situations covered by a Personal Learning Plan.

### 4. Students with Disabilities/Long-term Health Conditions

#### **Students enrolled on a Higher National Pearson Programme:-**

Students with disabilities and/or long-term health conditions that affect their ability to study, and consequently require additional time to complete assessments, should seek advice from the Supported Learning team.

If deemed necessary, a Reasonable Adjustment/Personal Learning Plan will be created. Adjustments including additional time to submission dates will form part of the plan.

**Students enrolled on a Skills Education Group programme** should seek support from their tutor within TMC and not from UCEN Manchester.

Reasons related to the disability/long-term condition will therefore not normally be considered under the Mitigating Circumstances Policy as these are covered in the Personal Learning Plan.

Reasons not covered by the Personal Learning Plan, such as if the condition exacerbates, can be considered under the Mitigating Circumstances Policy.

## 5. Fit to Attempt

UCEN Manchester operates a Fit to Attempt approach to assessment. This means that by engaging in a practical assessment or submitting an assessment, you are confirming that you are well enough to partake in or submit the assessment. You are therefore not permitted to apply for Mitigating Circumstances for assessments undertaken, and the mark awarded for the assessment will stand.

Students have the right to appeal where mitigating circumstances impacted the assessment attempt but were not known to the student at the time of submission. Please see the [HE Academic Appeals Policy and Procedure](#)

### 5.1. Exception to Fit to Attempt

In the event that a student becomes ill or sustains an injury during a practical timed assessment or exam, the student can apply to defer the assessment and will require a supporting statement from the relevant tutor to support the application. The application must be submitted within 5 working days of the date of the assessment. In this instance, the student will be given the choice to either accept the mark achieved or attempt the assessment at the next available opportunity. The student must notify the relevant tutor of the decision within 2 weeks of having received the outcome to the defer request.

Where a student chooses to defer the assessment, the higher of the two grades will be presented to the Assessment Board.

## 6. Ongoing Circumstances

As outlined in section 2, Mitigating Circumstances are short term, unplanned and unexpected events, and it is not expected that these circumstances will continue throughout the duration of the programme. If circumstances are ongoing, it is expected that reasonable arrangements will be made by the student and that the same Mitigating Circumstances will not be considered for more than one academic year. If a student continues to experience significant, ongoing difficulties they may wish to consider taking a Break in Study or if available changing to part-time mode of study, in consultation with their tutor.

## 7. Options Available to Manage Mitigating Circumstances

There are two options available to help manage assessments whilst experiencing difficulties. A student can request either:

- An extension to the submission date;

OR

- To defer the assessment to the next available opportunity.

## 8. Procedure for Submitting a Mitigating Circumstances Application

It is the responsibility of the student to complete and submit a mitigating circumstances application following the guidelines below.

Applications should be made via the designated form for the awarding partner: Pearson / SEG are available online from the UCEN Manchester website following this link [Awarding Partners Policies](#) and selecting the relevant awarding body.

For programmes awarded by other partner Universities, please refer to the Partner Policies in section 1.

All sections of the application must be completed and any additional information requirements must be included with the submission.

The student should clearly state whether they are applying for an extension or to defer the submission. The student cannot select both options.

Whilst it may be difficult to share details of personal and difficult circumstances, any information disclosed will only be accessible to Academic Services Panel members. The information will be treated with the strictest of confidence and used only for the purpose of processing the Mitigating Circumstances application.

The following information must be included in the application:

- Details of the circumstances **and** the impact these have on the student's ability to complete or attend assessment(s);
- The dates these circumstances apply from and to;
- Supporting evidence.

All applications must be submitted using the student's /UCEN Manchester account to:

For Pearson : [MC@ucenmanchester.ac.uk](mailto:MC@ucenmanchester.ac.uk)

For Skills & Education Group [SEGL4MC@ucenmanchester.ac.uk](mailto:SEGL4MC@ucenmanchester.ac.uk).

Applications for extensions must be submitted **prior to** the submission date.

Requests to defer the assessment attempt should be **received at the latest 5 working days after the submission date**.

Please refer to section 10.1 and 10.2 for further guidance on the different types of requests; extension and defer.

## 9. Supporting Evidence

Mitigating Circumstances applications require independent supporting evidence.

Independent means that the person providing the evidence has no personal connection to the student, and is writing in a professional capacity.

Evidence must be provided on official letter-headed paper and be dated.

All evidence must be provided in English. If the original documentation is not in English, it is

the student's responsibility to have this officially translated and certified.

The evidence must relate to the timeframe being considered, or that the events be of such a nature that the impact could still be relevant to the timing of the submissions.

Evidence must be provided at the time the application is submitted. If the required evidence is not available at the time of application, the student will have up to 5 working days from submitting the application to provide the supporting evidence. There must be a compelling reason for the late submission of the evidence, which must be explained in the claim. The Panel and its members are not responsible for acquiring evidence on the student's behalf or reminding the student to supply this.

If no evidence is provided within 5 working days from receipt of the application, the application will not be considered.

Examples of acceptable evidence include, but are not limited to:

- Medical Issues: - Letter from GP, Counsellor other medical professional, hospital letters, admittance and discharge note;
- Bereavement: - Death certificate, letter from GP, Counsellor, Order of Service;
- Crime related issues: - Police reporting number;
- Housing Issues: - Tenancy agreement, Housing officer communications, eviction notices;
- Personal and Legal Issues: - Court papers, solicitor letters, Letter from GP, Counsellor other medical professional;
- National Service: - Letter confirming attendance is required.

Other forms of supporting evidence can be considered if provided by an independent person, if the student feels this substantiates the statement, and provides a better understanding of the circumstances.

## 10. Consideration of Mitigating Circumstances Application and Notification of Outcome

Applications for Pearson programmes are considered by the Academic Services Panel. The panel consists of staff from the UCEN Manchester Directorate, chaired by the Academic Services Manager and meets a minimum of 3 times per week.

Applications for SEG programmes are considered by a Head of Department and Director of Faculty.

All applications will receive an outcome to the student's UCEN Manchester email address within 3 working days of the application being fully considered.

### 10.1. Extension Requests

Extensions provide additional time to complete or attend assessments due to Mitigating Circumstances, and are not a means of enabling students to start assessments.

All applications for extensions must be submitted **prior to** the submission date. Applications received outside of this timescale will not be considered for an extension unless there are compelling reasons included in the application to explain the lateness of the application.



Failure to provide all information requested will result in the application not being considered or a delay in the processing of the application.

### 10.1.1. Approval of Extension Request

**If the application is approved**, the student will be granted a maximum of 5 working days from the original submission date. Working day excludes weekends, bank holidays and campus closure days.

Any extension deadline must allow all processes, such as marking and moderation to be completed prior to the deadline for Assessment Board. In such instances the Panel may approve an extension less than 5 working days or if this not appropriate, a defer of the assessment to the next available opportunity will be approved.

Whilst waiting to hear the outcome of the application, please note that the original submission date applies and a student should continue to work on the assessment.

If an outcome has not been received by the submission date, the student is strongly advised to submit the work. If subsequently the request is approved, the student will be able to re-submit the assessment by the revised submission date.

### 10.1.2. Non-Approval of Extension Request

**If the application is not approved**, the mark awarded for any work submitted for the assessment will stand. If the assessment is submitted within 5 working days of the submission date the mark will be capped at a pass grade, in accordance with the late penalty rule outlined in the Academic Regulations policy. If the student does not submit at all, a mark of zero will be given for non-submission.

If the application is not approved, the student has the right to Appeal if the reason for the Appeal meets the grounds for Appeal. Please see the [HE Academic Appeals Policy and Procedure](#)

If the Appeal is upheld and the assessment was submitted on time, an attempt to re-submit at the next available opportunity will be offered. This attempt will be in line with the guidance on new assessment briefs for submissions at the next available opportunity. – see section 10.2.1 regarding new assessment brief.

If the student submitted the work within 5 days from the submission date, any penalties that have been applied will be removed.

## 10.2. Defer Requests

In some circumstances, an extension may not be appropriate to the circumstances and a student may request to defer the assessment. This means that the assessment is undertaken at the next available opportunity, in consultation with the relevant tutor.

Deferring an assessment attempt and submitting the assessment is not permitted, in line with the Fit to Attempt guidance in section 5, as deferring an assessment should not be used as an attempt to improve a grade by repeating the assessment again.

A student may only be deferred a maximum of two times against an assessment unless there are compelling reasons and evidence of events that prevented the student from undertaking the assessment at the third opportunity.

Exceptionally, where a pre-scheduled event will prevent the student taking the assessment at the scheduled time, such as Jury Service or planned surgery, the student can submit a request to defer assessment in advance.

Where the Panel conclude that the circumstances and events noted in the application are not of a nature that would prevent the student from undertaking the assessment; but could be considered substantial enough to warrant an extension; a maximum of 5 working days may be granted from the date the outcome is communicated to the student.

- Requests to defer the assessment attempt should be received at the latest 5 working days after the submission date.
- Applications received outside of this timescale will not be considered unless there are compelling reasons included in the submission to explain the lateness of the application.
- Under no circumstances will applications to defer assessments be considered once the assessment marks have been ratified at an Assessment Board. The student has the right to Appeal if the reason for the Appeal meets the grounds for Appeal. Please see the [Higher Education Academic Appeals Policy and Procedure](#).

### 10.2.1 Approval of Defer Requests

**If the application to defer is approved**, you will be given an opportunity to take the assessment attempt at the next available opportunity.

A new assessment brief will be issued near the time of the scheduled assessment attempt; unless it is a large individual project where a new brief would be deemed unachievable in the time frame available; in such cases the original brief would apply. The relevant tutor will advise which of these categories the assessment falls into.

Marks for the assessment will not be capped, except in cases where academic misconduct was upheld or the student is retaking the assessment, whereby marks will be capped at a pass grade in line with the Academic Regulations.

### 10.2.2 Non-Approval of Defer Requests

**If the application is not approved** and the student submitted the assessment within 5 working days of the submission date, the mark will be capped at a pass grade in accordance with the late penalty rule outlined in the Academic Regulations Policy. If the student did not submit at all, a mark of zero will awarded for non-submission.

If the application is not approved, the student has the right to appeal if the reason for the Appeal meets the grounds for Appeal. Please see the [Higher Education Academic Appeals Policy and Procedure](#).

## 11. Appeals

If a mitigating circumstances application is not approved, the student has the right to appeal, if the reason for the appeal meets the grounds for appeal.

Please refer to [Higher Education Academic Appeals Policy and Procedure](#) for further guidance.

Appeals against a decision of a Mitigating Circumstances application must be made **within 2 weeks** of receiving notification of the outcome.

## 12. Tuition Fees

Students should note that mitigating circumstances applications will have no impact on tuition fees, regardless of the outcome of the application.