



Mitigating Circumstances Procedure

Reviewed by: **Dr Mark Smithers - Dean & Group Director for Higher Education**

Document Owner: **HE Quality and Standards**

Date approved: **August 2019**

Latest Revision: **August 2022**

To be reviewed: **August 2023**

Approval Committee: **Higher Education Committee**

Contents

Section 1 - Introduction.....	2
Section 2 - What are mitigating circumstances?.....	2
Section 3 - Principles of mitigation.....	3
Section 4 - Information about mitigation.....	4
Section 5 - Applying for mitigation.....	4
Section 6 - Outcomes of a claim for mitigation.....	5
Section 7 - Appeals.....	5
Section 8 - Appeal decisions.....	5
Section 9 - Further review.....	6

1. Introduction

The College expects that students will prepare in advance for the completion of assessments and will meet all assessment submission dates and deadlines. On occasions unpredictable, unplanned and unavoidable exceptional circumstances may occur which prevent a student from meeting an assessment deadline. Mitigating circumstances are circumstances that allow a student to be treated differently under the existing assessment regulations.

This mitigating circumstance policy applies to programmes validated by: The Open University

The College operates a clear and transparent system of dealing with requests under this policy for mitigation from students as an alternative to the seeking of extensions which the college do not allow.

This policy sets out the College's procedures for the management and operation of mitigating circumstances (sometimes referred to as extenuating circumstances).

2. Mitigating circumstances

What are mitigating circumstances?

Mitigating circumstances are unplanned, unpredictable or unavoidable circumstances which prevent a student from:

- submitting assignments or re-assignments by the published date, and/or;
- attending an assessment task on a published date, e.g. an examination, an individual or group presentation, a viva voce etc.

Definition of mitigating circumstances

Mitigating circumstances involves:

- serious personal ill health, which are not permanent medical conditions; and which do not predate a student's commencement on an HE programme at New City College;
- the death or sudden serious illness of a close relative immediately prior to the date of an assignment submission.

The following **would not be** regarded as mitigating circumstances:

- planned or pre-booked hospital appointments that occur on or close to an assignment deadline;
- minor illness – even if it is covered by medical certification;
- the malfunction or breakdown of personal or college computer or storage media. All students are expected to 'back-up' their work;

- transport difficulties involving private or public transport;
- moving home;
- holidays – students are expected to make themselves available for the whole programme of study;
- issues arising from the planning, organisation or time management involved in completing assignments;
- misinterpretation of assignment submission dates, schedules or timetables;
- family, work, social, financial or other general, everyday problems.

3. Principles of mitigation

- Mitigation will only be awarded in situations that meet the above definition and which impact directly on a student's ability to complete the assessment.
- Mitigation will only be considered if the request is accompanied by appropriate evidence, for example original medical certificates, that supports the definition above. Failure to provide evidence with the original request may prevent the award of mitigation.
- Mitigation requests must be made and received in a timely manner, i.e. normally before the assessment deadline and in advance of the mitigation panel meeting. If a student has any concerns about their ability to meet a deadline, they **must** discuss this with their lecturer or the Senior Curriculum Manager in advance of the submission date. Retrospective applications for mitigation will rarely be considered.
- Repeated requests for mitigation during the period of registration on the programme may impact on a student's future request for mitigation and their continuation on the programme of study as set out in the paragraph below.
- If the extent of disruption caused by admissible mitigating circumstances means that a student has fallen too far behind to maintain their progress in the current academic year, i.e. over 50% of module assignments remain un-submitted with less than 50% of the academic year remaining, then s/he may be recommended to suspend their studies at the next scheduled examination board as according to the Academic Regulations.
- Suspension of study may be recommended until such time as the circumstances affecting the student's performance have passed, provided that the maximum period of registration on the programme, normally five (5) years (which is set out in the Student terms and conditions), is not exceeded.
- **There is no procedure by which a student can seek an "extension" to the deadline other than by submitting a claim for mitigating circumstances.**

- **Members of programmes teams cannot grant students an “extension”** to an assessment deadline. Any requests must be referred to the formal college mitigation panel under this mitigation procedure.

4. Information about mitigation

All students will receive information about the procedure in their student handbook. This information will then be revisited with students during their course induction so that the process for mitigation is clearly conveyed and understood.

5. Applying for mitigation

On the rare occasions where unplanned, unpredictable or unavoidable circumstances prevent a student from meeting an assignment deadline, the college mitigation panel will consider an application for mitigation, based on the following principles.

A student wishing to lodge a claim for mitigation must use the appropriate form. These are available via Moodle. The claim should then follow the following process:

- Students wishing to make a claim for mitigation should submit their application as soon as they realise that circumstances will prevent them from submitting the assignment by the agreed deadline.
- The form should be submitted to the Senior Curriculum Manager or Deputy Curriculum Director responsible for the programme of study. Evidence of the mitigating circumstances should be attached to the form. This is likely to include a student's sensitive personal data and will be processed in accordance with the college's obligations under the Data Protection Act 2018.
- The Senior Curriculum Manager or Deputy Curriculum Director forwards the application for mitigating circumstances to the Group Deputy Director: HE at Higher.Education@ncclondon.ac.uk
- The college's mitigation panel normally meets monthly.
- Where the validating institution requires academic representation on the panel then a member of the programme team will join the panel, students will be informed of this in advance. Should the assessment regulations for the validating institution require a panel composition that is different from the one above then this will be assembled for the purposes of considering the mitigations related to the associated programmes, students will be made aware of this in advance of the meeting of the panel.
- The mitigation panel will consider the application and apply the appropriate mitigation rules as set out below.

6. Outcomes of a claim for mitigation

The Mitigation is upheld

This means the circumstances claimed by the student meet the criteria set out in section 2 of this policy. Any penalty that has been applied to the piece of assessed work is removed and the mark will reflect the true value of the assignment. The findings and judgements of the mitigation panel will be conveyed in writing to the Senior Curriculum Manager and will be reported to the next assessment board for the programme or the course concerned. Students will be informed of the decision by the HE Quality and Standards administrator in writing within five working days of the mitigation panel's decision.

The Mitigation is not upheld or declined

This means the circumstances claimed by the student do not meet the criteria set out in section 2 of this policy and the assignment is 'capped' at the pass grade of 40% if the assessment is deemed as a 'pass' in line with the college's assessment regulations. If a student fails the assessment they will receive the failed mark at which they have been assessed. The findings and judgements of the mitigation panel will be conveyed in writing to the Senior Curriculum Manager and will be reported to the next assessment board for the programme or the course concerned. Students will be informed of the decision by the HE Quality and Standards administrator in writing within five working days of the mitigation panel's decision.

7. Appeals

A student may request an appeal of the decision of the mitigation panel.

Appeals will only be considered on the following grounds:

- The procedures set out above were not followed; or
- The decision of the panel is eccentric or perverse.

All appeals should be made in writing to the Group Deputy Director: HE at Higher.Education@ncclondon.ac.uk within fifteen (15) working days of the decision letter being sent. The appeal will be assigned to a member of college management who was not involved in the original mitigation panel. They will review the mitigation application and supporting evidence in making a decision.

8. Appeal decisions

8.1 The decision of the reviewer shall be either:

- a) That the appeal is upheld in whole or in part. The matter will be referred back to the mitigation panel to reconsider its original decision.
- b) That the appeal is rejected. In this case the decision of the mitigation panel stands.

- 8.2 The decision of the appeal will be communicated to the student in writing with reasons, within five (5) working days of the appeal panel.

9. Further Appeal

The college appeal is the final stage of the internal college procedure.

If the student believes that the matter requires further attention then they must make representation to external agencies. In the case of a mitigation appeal it would be appropriate to contact the awarding body or validating university who have responsibility for the programme or course concerned.

For Higher Education students the contact details of the college's validating universities and awarding bodies are:

The Open University

The Director
Open University Validated Partnerships
The Open University
Wilson Building (B Block)
Walton Hall
Milton Keynes
MK7 6AA

The student can also contact the Student Casework Office (SCO) for help or advice regarding your case:

Contact SCO by email: SCO-VC-Delegate@open.ac.uk

Contact SCO by phone: +44 (0)1908 659535

Office of the Independent Adjudicator

OIA Second Floor,
Abbey Gate
57-75 Kings Road
Reading
RG1 3AB

Tel: 0118 959 9813

Fax: 0118 955 9099

Email: enquiries@oiahe.org.uk

www.oiahe.org.uk