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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 or unavoidable exceptional circumstances may occur that 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 Bath Spa University (BSU).

The College operates a clear and transparent system of dealing with requests.

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., a written 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.
- Homelessness

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(s) 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 and extension

- 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 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 unsubmitted 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 according to the Academic Regulations.
- Where mitigation/extensions account for more than 50% of credits over an academic year, a suspension of studies will be recommended.
- 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.

4. Extension

If students experience a short-term problem that impacts their ability to submit on time, then a short extension to a deadline, usually for one week (7 days) can be requested. Extensions may not be appropriate for certain types of assessment (e.g. group performances, exhibitions).

The following examples are likely to be considered acceptable grounds for an extension:

- Short-term illness / hospitalisation
- Court attendance
- Illness of a close family member, dependant, or friend.

If a student wishes to submit an extension request, they should send a completed extension request form to the mailbox Higher.Education@ncclondon.ac.uk HE Quality will consider extension requests following consultation with the SCM or equivalent.

We recommend that students speak with the HE Academic & Support Tutor prior to submitting an extension (and mitigation) form. This will ensure that the correct process has been followed and also to check the validity of the request.

5. Information about mitigation and extensions

This information will then be revisited with students during their course induction so that the process for extension and mitigation is clearly conveyed and understood.

Students also need to be aware that mitigation and possible extension claims can affect timely progression to the next stage of studies, as submission may be considered at a subsequent Assessment Board.

6. 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 (VLE). 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 forwards the application for mitigating circumstances to the Deputy Director: Higher Education 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.

7. 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 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 administrator in writing within five working days of the mitigation panel's decision.

8. 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 Head of Higher Education 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.

9. 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.

10. 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 BSU who has responsibility for the programme or course concerned. The university can be contacted via email: studentwellbeing@bathspa.ac.uk or complaintsofficer@bathspa.ac.uk

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