

## Bury College Policy and Procedures

### HE Mitigating Circumstances Policy and Procedure

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V1.2	April 2020	Approved by LT w/c 19 <sup>th</sup> April	JG	Retired
V1.3	March 2023	Removal of extinct weblink and replacement text directing students to locations of the policy.	AE/LM	Approved

## 1.1 Introduction

During their study students may encounter significant personal difficulties that are outside their control and impact on their ability to study and/or complete assessments. Such difficulties are referred to by Bury College as Mitigating Circumstances.

Mitigating Circumstances must meet the following criteria:

- They must be out of the student's control – the student could not have prevented them.
- They must have had an impact – they must have had a negative impact on the student's ability to study or to undertake an assessment.
- The timing of the circumstances must be relevant to the claimed impact.

The appropriate management of mitigating circumstances affecting students' study and assessment is significant in ensuring that academic standards are maintained and that students perceive that they are being treated fairly.

This policy is applicable to students studying on Pearson full and part time HNC and HND programmes only.

## 1.2 Types of Circumstance

Two types of circumstance may affect student performance in study and/or assessment:

(a) Long term conditions/disabilities for which adjustments can be put in place to support study and assessment.

(b) Short term circumstances. These may include but are not limited to: self-limiting illnesses which require consideration as and when they arise and may impact on the capacity of a student to study or be assessed; personal factors outside the student's control that cause harm to the person or otherwise impact on the person's ability to study or be assessed, such as accidents or bereavements; factors affecting immediate family that impact on the capacity of the student to study or be assessed.

## 1.3 Responsibilities of Curriculum Teams

Curriculum Teams should ensure that all students are aware of this policy as part of their course induction. As a minimum, they are expected to include reference to this policy and the information it contains in their initial induction packs and remind students each year of its existence. Each Curriculum Team should ensure that students are aware of who the primary contact is.

## 1.4 Responsibilities of Students

- Students are responsible for ensuring that they inform their Curriculum Team of any circumstances that they consider are affecting their ability to study and/or undertake assessments using the procedures in this policy and following instructions from relevant Programme Leaders.
- Students should note that there are defined timeframes for the submission of claims relating to mitigating circumstances. Mitigating circumstances requests should be submitted prior to any assessments and should not be submitted retrospectively.
- Students are responsible for providing the required evidence demonstrating their claimed mitigating circumstances.
- Students should make every effort to ensure that they are fit to study and undertake assessment, and where a student feels that there are circumstances that are affecting them adversely it is their responsibility to seek professional help, where relevant, to assist in resolving the problem.

## 1.5 Ongoing Circumstances

Where a student has had mitigating circumstances for one period accepted but continues to be affected by or has a recurrence of the same circumstances, they should seek medical or other professional advice. If necessary, they should discuss with their Programme Leader the possibility of interrupting their studies until the circumstances have been resolved.

Students may not submit the same mitigating circumstances covering more than one designated period on a Mitigating Circumstances Form, except where they have accessed appropriate support to manage the circumstances but there is an unexpected acute episode at a particularly significant time.

Where the circumstances are external to the student and extend over more than one semester, such as chronic illness of a relative, it may be appropriate to accept the same circumstances for a longer period if it is not appropriate for the student to interrupt their studies. In such circumstances the student must discuss the situation with their Programme Leader and submit a Mitigating Circumstances Form for the appropriate period so that assessments can be planned appropriately for the whole period covered by the Mitigating Circumstances Form, to ensure that appropriate account is taken of the circumstances and appropriate support can be offered to the student.

Where a student has suffered from a series of discrete short-term illnesses they should seek medical advice to ascertain whether there is an underlying problem that may require further treatment, and should consider the possibility of an interruption of study.

## 1.6 Formal Complaint

If a student has made, or is making, a complaint under the Complaints Procedure and feels that the matters covered by that complaint may have affected their assessment performance, they should make the Curriculum Team and the Quality and Standards Manager aware in writing of their complaint such that it can be taken into account if appropriate.

## 1.7 Evidence

All claims made under this policy must be supported by evidence. Claims will not be considered if appropriate evidence has not been submitted.

## 1.8 Confidentiality of Evidence

Confidential information will only be shared within Bury College for the purposes of implementing this policy in a fair and rigorous manner. Any student wishing to restrict the sharing of such information should make their wishes known to the Quality and Standards Manager, preferably in writing. Students should be aware that Bury College cannot respond to a student's circumstances if they remain unaware of relevant information.

Normally such confidentiality will be respected unless to do so would be against the best interests of the student or compromise the safety or security of any person.

## 1.9 Outcomes/Actions

Bury College will consider all cases individually, satisfying themselves whether or not sufficient cause exists, and deciding on the outcome (i.e. whether or not the claim has been accepted as being with good cause) and actions (i.e. what will happen where the claim has been accepted) in accordance with the relevant procedure. The final effect of a claim where circumstances have been accepted may not be known for some time (e.g. where the circumstances will be taken into account at a final Assessment Board) but students will be informed what action has been agreed as soon as that decision has been made.

An individual student's marks should not be changed as the result of a claim of mitigating circumstances because the marks awarded reflect the standard of the work completed. Mitigating circumstances requests should be submitted prior to any assessments and should not be submitted retrospectively.

## 1.10 Informing Students of Outcomes

The Mitigating Circumstances panel will, via the Quality and Standards Manager, inform students of the outcomes of claims in writing in a timely and reasonable manner.

## 1.11 Dissatisfaction following a claim of Mitigating Circumstances

A student who is dissatisfied with the outcome of a Mitigating Circumstances claim should first discuss the matter with the Quality and Standards Manager for HE.

If after that discussion a student considers that Bury College has failed to carry out its duty to act fairly in the application of the Mitigating Circumstances Policy the student should submit an Appeal in writing to the Bury College Director of Quality and a copy submitted to the Deputy Principal. After initial assessment, the Director of Quality will consider whether there may be evidence of procedural irregularity in the way the Mitigating Circumstances claim was handled and whether this directly affected the final decision of the Mitigating Circumstances Panel. If this is considered to be the case the submission will be transferred for consideration to the Deputy Principal. In these cases the Deputy Principal or their nominee will undertake a paper-based review and in doing so will consider whether or not the Mitigating Circumstances Panel reached a reasonable decision. If the panel are considered to have not reached a reasonable decision, the Deputy Principal's decision takes precedence and the claim will be granted.

Appeals under this policy must be made within ten working days of the student being notified of the final outcome of their claim for Mitigating Circumstances.

## 2.0 Consideration of Claims

Mitigating circumstance claims will be considered by a Mitigating Circumstances Panel chaired by the Quality and Standards Manager for HE. The additional panel members will

consist of:

- A Programme Leader from an unrelated curriculum area as an independent, unbiased adjudicator

## 2.1 Outcomes

Where circumstances have been accepted as constituting sufficient cause for not meeting the requirements of assessment, the panel report its decision to the Assessment Board who will make the appropriate recommendation

## 3.0 Appendix 1 - Guidance on Circumstances and Required Evidence

### 3.1 Acceptable circumstances

The following gives examples of the kind of acceptable circumstances (i.e. where the student might be able to demonstrate sufficient cause for non-compliance with an assessment requirement or for missing teaching or required study) and the associated evidence that is normally required. This is given without prejudice and for general guidance; it is not exhaustive, definitive or prescriptive. Bury College considers each claim of mitigating circumstances on its own merits, as an individual case and according to the relevant procedure.

<b>Circumstance</b>	<b>Required Evidence</b>	<b>Comments</b>
<b>Illness</b>	An original medical certificate or letter from an appropriate medical professional or a letter from a counselling service confirming the nature of the illness and the likely impact it is having on the student's ability to undertake formal assessment and/or study.	Short-term illness (less than 7 days) will not generally be regarded as a mitigating circumstance with regard to assessed coursework, where the student is given a number of weeks/months to complete and submit such work, although Bury College may decide to grant an extension dependent on individual circumstances.
<b>Hospitalisation</b>	A medical letter/certificate from the relevant hospital confirming the nature and severity of the student's circumstances and the likely period of impact on the student's ability to undertake formal assessment and/or study.	
<b>Family illness</b>	A medical certificate/letter from an independent medical professional confirming the nature and severity of the family circumstances and the likely impact it is having on the student's ability to undertake formal assessment and/or study.	

<b>Bereavement</b>	A death certificate or a letter confirming the death from an independent person (usually not a family member) with their contact details provided and including a view on the closeness of the relationship.	Only applicable where there is a demonstrably close relationship between the student and the deceased.
<b>Acute Personal/ Emotional Circumstances</b>	An original medical certificate or letter from an appropriate medical professional or a letter from a counselling service confirming the nature of the illness and/or circumstances and the likely impact it is having on the student's ability to undertake formal assessment and/or study.	
<b>Pregnancy</b>		In some cases it may be appropriate to use the Mitigating Circumstances procedures (for instance when a student suffers from a specific illness caused by the pregnancy), in which case the requirements for illness or hospitalisation above should be followed.
<b>Victim of crime</b>	A written statement of events which is supported by written evidence from the Police (including a crime reference number). Where the impact of the crime has led to a medical or other professional consultation, an original medical certificate or letter from an appropriate medical professional or a letter from a counselling service confirming the likely impact of the reported crime on the student's ability to undertake formal assessment and/or study.	
<b>Domestic Disruption</b>	Where significant and unforeseen domestic disruption has occurred very close to a timetabled examination a letter from an appropriate independent individual/authority detailing the relevant circumstances and an indication of the likely impact with their contact details provided.	This applies only in relation to examinations unless the circumstances are exceptionally severe and extended.  Disturbances caused by housemates would generally be considered to



		be normal and therefore not acceptable as an extenuating circumstances.
<b>Representing Bury College at an event or involvement in some other significant/prestigious event</b>	A letter of confirmation from the relevant organising body and a supporting statement from the student explaining why the event should be considered as significant/prestigious and the reason(s) why they are required to be absent.	
<b>Jury Service (UK)</b>	A letter from the Court together with proof that a deferral has been requested and rejected or proof that a previous request for deferral has been accepted.	A student who is asked to undertake jury service that would affect their ability to meet any of the requirements of their programme should make a request to the Court for the Jury Service to be deferred. Only where the Court has refused such a deferral will Jury Service be considered as a mitigating circumstance.  Deferral of Jury Service is only permitted once by the Courts.
<b>Court Attendance (UK)</b>	Where a student is required to attend a tribunal or court as a witness, defendant or plaintiff the student should provide official correspondence from the tribunal/court confirming attendance or a solicitor's letter detailing the nature and dates of the legal proceedings and the requirement for the student to attend.	
<b>Other</b>	The list of circumstances cannot be exhaustive and it is possible that other circumstances will arise that should be considered as acceptable. Examples that have arisen are listed in the next column and additional examples will be added as they become known.	Examples of other circumstances that might be considered to be acceptable:  Requirements of military service

		<p>Exceptional transport issues</p> <p>Unforeseen or exceptional work commitments in the case of part-time students</p>
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### 3.2 Unacceptable Circumstances

The following gives examples of circumstances that are likely to be considered as unacceptable (i.e. where the student is unlikely to be able to demonstrate sufficient cause for non-compliance with an assessment requirement or lack of engagement with required study activities). This is given for general guidance and is not exhaustive, definitive or prescriptive. Due regard should be given to the reasonableness of the outcome, and it may be that in some circumstances these examples would be deemed to be acceptable particularly where the circumstances are exceptional or could not have been foreseen.

<b>Circumstance</b>	
Transport issues	It is expected that students will ensure that they arrive at the assessment on time, irrespective of the form of transport used or relied upon. An inability to travel as a result of circumstances beyond the student's control may though constitute sufficient cause. Students should, however, allow a reasonable contingency time in any travel arrangements made, as moderate delays are considered to be a normal expectation.
Holidays	It is the student's responsibility to ensure that they are available for all study activities and all assessments. All holidays and vacations should take place at a time that will not impact on the student's availability to study or undertake or prepare for assessment(s).
Accommodation disturbances	It is the student's responsibility to ensure that they have access to suitable accommodation, including for any assessments offered in the reassessment period, and therefore ongoing or foreseeable problems with accommodation are unlikely to constitute a good case. Disturbances caused by housemates would generally be considered to be normal and therefore not acceptable as an extenuating circumstance.
Misreading the examination timetable	It is the student's responsibility to ensure that they know and remember the location, time and duration of all formal assessments.

Paid employment or voluntary work	<p>It is expected that students will ensure that any paid employment or voluntary work does not interfere with their ability to engage with their studies or assessments.</p> <p>Where unforeseen or exceptional work commitments arise in the case of part-time students these may be considered to be acceptable dependent on individual circumstances.</p>
Exam stress	<p>Feeling 'below par', stressed and anxious leading up to and during assessment(s) is a common experience of many students. It is not considered to be an acceptable mitigating circumstance unless a medical diagnosis of illness has been made.</p>
IT and/or computer failure	<p>Loss or corruption of files is not an acceptable mitigating circumstance. It is the student's responsibility to ensure that all work which is electronically stored, generated and/or submitted is sufficiently backed up.</p>
Foreseeable/preventable circumstances	<p>Where the circumstances are within the control of the student they are unlikely to constitute sufficient cause for failure to comply with the assessment requirements or engage fully with their studies.</p>
Scheduling of assessments/deadline	<p>Deadlines being close together or examinations scheduled close together are unlikely to constitute acceptable circumstances</p>
Being reluctant to disclose the circumstances for any reason	<p>Bury College can only consider circumstances if they are disclosed in accordance with this policy.</p>

### 3.3 Religious Observance in relation to Scheduled Examinations

Bury College will take all reasonable steps to provide an alternative assessment opportunity where religious observance will impact on a student's assessment. Where this is not possible, the College may consider applying mitigation to assessment. This will not, however, normally be regarded as a mitigating circumstance with regard to assessed coursework where the student is given a number of weeks/months to complete and submit such work. Absence from an assessment for reason of religious observance, where no prior notification has been provided and where the relevant permission for absence has not been obtained prior to the assessment, will not be deemed an acceptable mitigating circumstance.

### 4.0. Appendix 2 – Standard of Evidence

All claims made under this policy must be supported by independent, reliable documentary evidence of inability to comply with the assessment requirements or to attend teaching or undertake required study.

The burden of proof to support a claim lies with the student at all times.

Bury College reserves the right to take such steps as are deemed necessary to verify the evidence submitted without prior notification. Where Bury College is unable to authenticate the material to its satisfaction, the claim may not be accepted.

Evidence presented by students must meet the following standards and should be:

- (a) Written by appropriately qualified professionals who are independent of the student.
- (b) On headed paper and signed and dated by the author. Evidence presented by email may be acceptable if the email has been sent by the author from the official domain name of the author's organisation.
- (c) Confirming specifically that the circumstances were witnessed on the relevant date as opposed to being reported retrospectively
- (d) Original. Copies of supporting evidence will only be accepted in exceptional circumstances
- (e) Unaltered by the student. Documentation that has been amended for any reason will be deemed inadmissible.

Evidence will only be accepted when all of the above conditions are fully satisfied.

**Date of this version: March 2023**

**Adrian Emerson**

**Quality & Standards Manager**

# BURY COLLEGE



Student Submission of Mitigating Circumstances – Pearson HNC/HND Courses Only  
 Relating to possible poor performance in assessment for consideration by the Assessment Board

**PLEASE PRINT**

**Personal Information:**

First Name: .....

Surname: .....

Student ID No: .....

**Course Information:**

Academic Year 20...../.....

Course Name: .....

Please refer to the Mitigating Circumstances Policy before making your application. This can be found on the Bury College website, HE Information Exchange and the individual Canvas course pages.

Advice is also available from your Programme Leader or the Quality and Standards Manager

**IT IS ESSENTIAL THAT ALL ITEMS FOR WHICH YOU WISH TO CLAIM MITIGATING CIRCUMSTANCES ARE LISTED HERE, INCLUDING REFER/DEFER WORK. IF YOU ARE UNSURE PLEASE ASK THE HIGHER EDUCATION CO-ORDINATOR FOR CLARIFICATION**

Module Name	Module Code	Item of assessment number and type (e.g., coursework, presentation)		Due Date	Please tick if work is previously referred/deferred
		No	Type		

PLEASE ENSURE THAT YOU **READ AND SIGN** THE DECLARATION ON THE REVERSE

**FOR OFFICE USE:**

Received by:

.....

.....

(Print name) (Signature) (Date)

**Only information submitted in this envelope and within the specified timescales will be considered by the Mitigating Circumstances Panel**

**Note**

If your circumstances are due to a disability, medical illness, mental health condition (depression/anxiety), mobility difficulties, a sensory impairment or a Specific Learning Difficulty (such as dyslexia), and you would benefit from support with your studies, it is your responsibility to contact the Additional Learning Support Office on 0161 280 8438.

**DECLARATION**

- 1 I have included in this envelope a statement describing the mitigating circumstances and how they affected me.
  
- 2 I have included original copies of additional documentary evidence to support my claim for consideration of mitigating circumstances (please refer to the policy for information on examples of what is deemed as acceptable evidence).
  
- 3 I understand that my circumstances and documentary evidence will remain confidential and will be discussed at the Mitigating Circumstances Panel only which is a sub-board of the Assessment Board. The information will be considered in terms of my progress/final award. If deemed necessary by the Chair of the Mitigating Circumstances Panel, my circumstances may also be disclosed to the relevant External Examiner.

Signature: .....

Date:

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This submission must be delivered to the Quality and Standards Manager's office, preferably in person.

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**FOR BURY COLLEGE USE**

**OUTCOME**

CONSIDERED BY \*PANEL OR \*PANEL CHAIR (\*delete one) .....  
(date)

Signature: .....