



North Highland College  
University of the  
Highlands and Islands

# **Mitigating Circumstances procedure for FE programmes and HN SQA programmes**

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### Document Change History

This version of the document replaces all previous versions. Changes to this version are summarised below;

Section	Summary of Change	Page
All	Reference to “Assistant Director” changed to “Curriculum Leader” throughout	All
Form	Signposting to UHI Regulations for Degree added	15
Form	Clarity of which sections are to be completed by students or staff	15 - 17
Form	Addition of appropriate new submission date	17
Form	Clarified how form should be processed	17

## **1 Purpose**

It is recognised that there may be times when a student's circumstances are such that they cannot complete assessments to the best of their ability, or are unable to attend an examination, or are unable to meet an assessment deadline due to adverse circumstances beyond their control. As a result, students can request that these circumstances are taken into consideration by the university.

The claim and supporting evidence will be treated confidentially. If it is necessary to disclose any information to another party, other than those mentioned in the principles below, this will be done with the student's permission.

The university has a duty to all students to ensure that assessments are conducted fairly, and that students have the opportunity to demonstrate their true level of academic performance. The purpose of this procedure is to ensure the equitable treatment of all students with respect to their ability to undertake assessment, and by the due deadline.

## **2 Scope**

- 2.1 The Procedure is relevant to all SQA Awards delivered by University of Highlands and Islands and North Highland College UHI.
- 2.2 Students may apply for mitigation for all forms of summative assessment, whenever they occur.
- 2.3 Students with an underlying disability or chronic illness should normally have agreed a formal student Personal Learning Support Plan (PLSP)/ Needs Assessment with the Student Services Department to provide additional support for learning and assessment, as required. However, where such an underlying disability or chronic illness suddenly flares up, or is exacerbated, this would fall within the definition of mitigating circumstances. Appendix 1: PLSP and coursework extensions explains the difference between a coursework extension recommended with a student's approved Personal Learning Support Plan (PLSP) and an extension claimed under mitigating circumstances.

- 2.4 This Procedure should be read in conjunction with the current University guidance on mitigating circumstances, which can be found as an appendix to the Academic Standards and Quality Regulations.

### **3 Definitions**

- 3.1 Students are encouraged to inform their tutor whenever they are experiencing difficulties in meeting an assessment deadline. There are a number of remedies that can be offered, depending on how severe the problem is. In many cases the student's problem can be resolved by extending the assessment deadline to a later date.
- 3.2 Mitigating Circumstances are defined as unforeseen and unpreventable circumstances outside the control of the student, which have significantly affected performance and/or attendance in a summative assessment and could not have been remedied in the time available. These are normally circumstances relating to the health and/or personal life of a student which are sufficiently serious and significant in nature to result in them being unable to attend, complete or submit an assessment on time, or attend an examination. Examples of categories mitigation circumstances will normally fall within are shown below:

3.2.1 Mitigating circumstances will normally fall into the categories listed below:

- illness or serious accident at the time of an assessment or in the period leading up to formal assessment
- serious illness or death of a family member
- severe unforeseen personal or psychological problems
- unanticipated difficulties in child or adult care arrangements during a semester [where the student is the named carer for an adult].

In addition, for part-time students:

- unforeseen and essential work commitments.

3.2.2 The following examples should not be considered valid:

- any ongoing situation known to the student
- inadequate time management
- moving house or holidays
- misreading the assessment or exam timetable

- computer / IT problems of the student's own equipment
- normal work commitments on behalf of an employer.

3.3 Determinations are the outcome decisions made against an application for mitigating circumstances.

3.4 All 'extensions' requested by a student for assessment submission deadlines, including examinations, should be processed through the mitigating circumstances procedure.

## 4 Principles

4.1 A student will normally be expected to submit an application for mitigation circumstances **prior** to an assessment deadline. However, where a student who has completed an assessment feels their academic performance was affected by circumstances outside of their control may apply for mitigating circumstances.

4.2 Mitigating Circumstances is deemed a supportive service for students. Where mitigation has been granted for an earlier assessment this should be brought to the attention of the Curriculum Leader when a further application is received to ensure that a student is not abusing the procedure but only applying for relevant situations.

4.3 A student who does not attend an examination or does not meet an assessment submission deadline will be deemed to have not attempted the assessment unless mitigating circumstances has been submitted in advance of the assessment and should be recorded as a fail at progression board.

4.4 In some cases the student and/or the university may decide that it is appropriate for the student to interrupt their studies for an agreed period of time. Any decision to suspend studies must be done in accordance with the current University policy and procedures relating to suspension of study as referred to in the Academic Standards and Quality Regulations.

4.5 International students (tier 4) must be treated in accordance with the UKVI visa rules and sponsor guidance. As such, the university or college may be unable to grant deferral or suspension of study to international students.

- 4.6 An application should only be considered with full supporting evidence. Where an application has been received without supporting evidence the student must state on the application when the evidence will be available. It is only once evidence is received that a determination may be made.
- 4.7 A determination should be made by the Curriculum Leader as to whether a student will be given a new submission deadline for their assessment, or not. In exceptional circumstances this determination may be made by the Chair of Progression Board. The relevant Curriculum Leader should be informed of this decision thereafter.
- 4.8 Determinations will automatically be considered for first attempt summative assessments but should only be considered in exceptional circumstances for a second attempt assessment (also referred to as 'resit') or exceptional third attempt assessment. Determination will **not** be considered with respect to remediation work or where a draft of assessed work has been submitted for informal comment.
- 4.9 Students must normally provide independent third party documentary evidence to support their application (for example, from a medical practitioner, counsellor, hospital, specialist advisor, the police, a solicitor, or named Student Services staff member) which has dates which cover the period of mitigation. Evidence from family members or fellow students would not normally be accepted.
- 4.10 Evidence for mitigation claims must be current and can be used where circumstances have affected more than one assessment/unit. However, if a future claim (at a different time-period) is for the same or similar circumstance then new evidence must be supplied i.e. current medical note, supporting letter etc.
- 4.11 Where a student has self-certified their mitigation claim they should submit the work they have done to date. The Curriculum Leader may determine whether it is possible to mark this work taking into consideration the student's circumstances.
- 4.12 Where mitigating circumstances is accepted and affects more than one assessment and more than one unit then the Personal Academic Tutor (PAT),

in liaison with the relevant assessor(s), may determine a phased submission schedule.

- 4.13 All mitigation applications must be processed prior to the relevant progression board. A report on mitigating circumstances applications must be kept by the PAT and submitted to the progression board for each award. Where provision is networked an individual report for each academic partner for that course should be submitted to the Programme Leader prior to the progression board.
- 4.14 Late mitigation applications will only be accepted and a retrospective determination given in exceptional circumstances and where evidence supports a student's incapacity to submit it prior to assessment deadline. Mitigating circumstances claims in all instances must be submitted within two weeks of the assessment deadline.
- 4.15 All retrospective mitigation applications received after a progression board must be determined following the normal procedure and the outcome reported to the Chair of the Progression Board to enable a result to be ratified by Chairs Action. The details should be raised as a matters arising at the next progression board.
- 4.16 It is noted that in exceptional circumstances there may be cases where a student is unable to submit a request for an extension on a completed application form. In these circumstances the PAT should populate a form with the relevant details prior to processing. Appropriate evidence must still be received for approval to be considered by the Curriculum Leader and recorded.
- 4.17 An application for mitigating circumstances should normally be submitted at least 3 working days prior to an assessment deadline. If it cannot be submitted in advance it should be submitted as soon as possible and include reasons for the delay. Mitigating circumstances claims in all instances must be submitted within two weeks of the end of the module/unit delivery.

## **5 Confidentiality**

- 5.1 All mitigation applications are to be treated with confidentiality. Information provided should only be discussed between the relevant parties involved in

the initial determination. If it is necessary to disclose any information to another party, other than those mentioned in the principles above, this must be done with the student's permission.

- 5.2 Only details of the determination, and subsequent change to dates, are to be discussed at Progression Boards.
- 5.3 It is in exceptional cases that a Chair of Progression Board may be required to be informed of some of the information pertinent to the case to determine ratification of an assessment result.

## **6. Responsibilities**

- 6.1. Staff Responsibilities
- 6.2. Students must be advised of the submission/examination dates for summative assessments at the beginning of their programme/unit.
- 6.3. Students must be clearly informed at the beginning of their programmes of the mitigating circumstances procedure and signposted to it on their assessment schedules/briefs.
- 6.4. The assessing tutor, Personal Academic Tutor, and Curriculum Leader have a responsibility to ensure that all students are treated equitably and with fairness and decision making is consistent. The PAT statement regarding whether they support the application or not must be an objective view and must not be a subjective opinion.
- 6.5. Staff must declare any conflicts of interest when receiving mitigation claims.
- 6.6. A student's PAT is responsible for processing all applications for mitigation for their course/cohort of students, ensuring that the application meets the criteria for mitigation and all relevant supporting evidence is received. Where a tutor has received an application (or request) they should forward it to the student's PAT for processing.
- 6.7. The Curriculum Leader is responsible for making the determination on whether a new assessment deadline is given or not.

- 6.8. The PAT is responsible for determining, with the tutor, the new date of submission. (see 4.12 above)
- 6.9. The PAT is responsible for informing the student of the determination and, where applicable, new dates and arrangements for submission of coursework or attendance at an examination. The Exams office should be informed of any new exam dates. NB: where a new assessment deadline falls after a progression board then the dates of assessment should be clearly recorded at the Board and the subsequent outcome followed up by the tutor as Chair's Action.
- 6.10. The International Office should be informed of any extensions approved for international students prior to the student being informed to ensure the determination falls within the parameters of the Tier 4 licence.
- 6.11. Student Responsibilities
- 6.12. All students have a responsibility to manage their learning during their registration on an award. This requires students to balance their workloads, to ensure that they attend examinations and to submit work for assessment by the set date of the assessment. This is so that students do not miss deadlines or struggle to meet them.
- 6.13. Students should ensure they meet all required deadlines for assessment submission and submit assessments according to the guidance provided.
- 6.14. Students are expected to ensure that they have taken reasonable steps to prevent the circumstances, wherever possible. Section 2.2 above provides indicative categories which mitigating circumstances fall within, and clearly shows categories which will not be considered.
- 6.15. It is a student's responsibility to inform a member of academic staff of any circumstances which may affect their ability to meet their programme commitment.
- 6.16. A student should normally submit an application for mitigating circumstances at least 3 working days prior to an assessment deadline.

6.17. Any student found to have submitted a false claim for mitigation will be referred to the Student Disciplinary Procedure (Academic Misconduct) or Positive Behaviour Management Policy.

## **7. Procedure**

7.1. A student submits a mitigation application with appropriate supporting evidence to their Personal Academic Tutor (PAT).

7.2. The PAT confirms the application is complete, including that the evidence submitted is appropriate. If an application is either incomplete or inappropriate then the PAT should inform the student of the information that is required to complete the application.

7.3. The PAT informs the relevant tutor of the receipt of a mitigation application.

7.4. The PAT should annotate the application to show whether they are in support or not of the application and provide a detailed written reason for their decision, and then submit the application and supporting evidence to the relevant Curriculum Leader for consideration

7.5. The Curriculum Leader makes a determination based on the evidence supplied i.e. approves or rejects the application and informs the PAT of their decision.

7.6. Where relevant, the PAT discusses with the tutor a new deadline date for sitting an examination or submission of the assessment and the details for that submission e.g. new piece of work, etc. Where an application has been rejected then the tutor is to result the student work as a fail for the progression board. Where a new date has been set then the Curriculum Leader should inform the Registry Team (NHCRegistry@uhi.ac.uk), and where relevant the International Centre.

7.7. The PAT informs the student of the outcome of determination and any details relevant to a further sitting of an exam or submission of assessment.

7.8. All mitigation claims should be recorded against the student record on SITS.

- 7.9. A record of all mitigation claims, per course (per partner), is recorded on the 'Report on Mitigating Circumstances' and presented to the relevant Progression Board. Note: where there is more than 1 PAT per course the same report form must be used for recording. Where a course is networked, each academic partner should complete a form per course and forward it to the Programme Leader (or equivalent) prior to the Board.
- 7.10. Records documenting individual students' submission of assessed work and handling of reports of mitigating circumstances should be retained as per university or college guidelines on retention of student assessment records.

## **8. Linked Policies/Related Documents**

- 8.1. University Academic Standards and Quality Regulations
- 8.2. Student Disciplinary Procedure
- 8.3. Positive Behaviour Management Policy
- 8.4. Assessment Policy

## **9. Quality Monitoring**

- 9.1. Quality approval check of the policy is the responsibility of the Academic Registrar who will arrange for the policy to be posted on the web.
- 9.2. Occurrences of Mitigating Circumstances will be reported annually to the relevant Quality Committee.

<b>Procedure implemented</b>	July 2016
<b>Last Review</b>	April 2020
<b>Proposed Review Date</b>	July 2020
<b>Responsibility</b>	Quality Coordinator

## Appendix 1: PLSP and coursework extensions

### 1.0 The distinction between mitigating circumstances and PLSP adjustments

1.1 Students who disclose an additional support need whilst at the University will have an opportunity to meet with Student Services staff at their Home Academic Partner to have their needs assessed and to set up a Personal Learning Support Plan (PLSP), if appropriate<sup>1</sup>. A PLSP details the support measures that have been approved for a student in light of how their specific disclosed needs impact upon their current studies.

1.2 Mitigating circumstances occur unexpectedly and outside of a student's control regardless of need. Conversely, an agreed entitlement (e.g. to access a coursework extension) within an approved PLSP is a planned adjustment in response to the student's specific disclosed additional support needs. This distinction is made clear in current University Regulations<sup>2</sup>:

- *Special circumstances*

*For the avoidance of doubt, the arrangements for dealing with claims of mitigating circumstances do not normally apply where students have a long-term support need, eg arising from a disability. Where a student considers that they have a support need which may affect their study and / or assessment, it is the responsibility of the student to seek advice as early as possible and use the Personal Academic Tutor and other support services available through the Home Academic Partner, to ensure that they can undertake their chosen programme and its associated assessments in a way which meets their special needs but still allows them to demonstrate their true academic ability.*

1.3 Mitigating circumstances are disruptive to study and occur unexpectedly for **any** student, regardless of need. As outlined in University Regulations<sup>2</sup>, the following circumstances are normally considered valid:

- *illness or serious accident at the time of an assessment or in the period leading up to formal assessment*
- *serious illness or death of a family member*
- *severe unforeseen personal or psychological problems*
- *unanticipated difficulties in child or adult care arrangements during a semester [where the student is the named carer for an adult].*

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<sup>1</sup> 2015/16 Academic Standards and Quality Regulations, Section 17b.45 ([www.uhi.ac.uk/regulations](http://www.uhi.ac.uk/regulations))

<sup>2</sup> 2015/16, Appendix I.

*In addition, for part-time students:*

- *unforeseen and essential work commitments.*

1.4 It is not necessary for a student to apply for consideration of mitigating circumstances in order to access any adjustment that has been approved within their PLSP.

## **2.0 Coursework extensions within student PLSPs**

2.1 Following a contextualised assessment of need, a student may be recommended to access coursework extensions as a planned adjustment in response to disclosed additional needs. Such an entitlement would be included in the student's Personal Learning Support Plan (PLSP).

2.2 Thus, it might be appropriate for student support practitioners to recommend that a student 'can have an extension of up to 3 days with no penalty, if requested'. If the parameters of the PLSP were exceeded in this case, the student would either be required to submit a mitigating circumstances claim or would be penalised.

2.3 The implementation of a recommended extension is necessarily an academic decision. The parameters given in a student's PLSP are intended as a guide to assist academic staff in making such a judgement for the individual student.

## **3.0 Recommended parameters**

3.1 In response to feedback from Academic Partner disability practitioners and academic staff in one particular subject area, a mandatory 'Coursework extensions (with recommended parameters)' field has been added to the Recommendations section of the University's online PLSP form<sup>3</sup> (this field has in fact been included in our paper PLSP template since it was first released in July 2013). This addition is available in new and edited online PLSP forms, and is intended to enable student support practitioners to recommend specific parameters where appropriate; practitioners would simply enter 'N/A' in the field if coursework extensions were not to be recommended in the student's PLSP.

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<sup>3</sup> Student PLSPs are increasingly being completed online, via the University's Additional Support Online system (<https://www.uhi.ac.uk/en/students/support/disability-matters/additional-support-online>).

3.2 This field is automatically replicated in the Summary of Support section of the online PLSP form, so that it is made visible to a student's lecturers as a matter of course<sup>4</sup>.

3.3 Our Additional Support Online practitioner guidance now includes a section highlighting the benefits and importance of supplying parameters to support recommended coursework extensions within a student's PLSP, where appropriate.

#### **4.0 Conclusions / recommendations**

4.1 A coursework extension recommended within a student's approved PLSP is a planned adjustment in response to the student's disclosed additional needs. A student is not required to apply for consideration of mitigating circumstances in order to access any entitlement that has already been agreed within their approved PLSP.

4.2 The Recommendations section of University's online PLSP form now includes a mandatory 'Coursework extensions (with recommended parameters)' field. This addition brings the online form in line with the University's paper PLSP template.

4.3 This mandatory field is automatically replicated in the Summary of Support section of the online PLSP form.

4.4 Our Additional Support Online practitioner guidelines have been updated to include guidance to assist student support practitioners in recommending parameters within a student's PLSP, where appropriate.

Mark Ross  
Disability Support Coordinator  
21/4/16

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<sup>4</sup> By default, academic staff only have access to information that has been included within the Summary of Support. (N.B. The 'Assessment Arrangements' field from the Recommendations section is now also replicated in the Summary of Support by default).

**Appendix 2: Mitigating circumstances (extension) request form** (FE and HN Courses only, Degree students should refer to [UHI Regulations](#))

Please complete this form and submit it to your Personal Academic Tutor. A request for mitigating circumstances should be submitted a minimum of 3 working days prior to the assessment due date. If it cannot be submitted in advance it should be submitted as soon as possible and include reasons for the delay. Mitigating circumstances claims in all instances must be submitted within two weeks of the end of the relevant semester. Include any supporting documentary evidence appropriate to the request.

Please note: the claim and supporting evidence will be treated confidentially and will only be seen by members of staff authorised to deal with mitigation claims (i.e. PAT, Curriculum Leader and Chair of Progression Board). If however it is necessary to disclose any information to another party, this will not be done without your permission.

**TO BE COMPLETED BY STUDENT**

*Please complete sections 1 – 6 then submit this form to your PAT*

<b>1. STUDENT CONTACT DETAILS</b>			
(This form should be completed electronically, where possible)			
Name:		Student Number:	
Course:		Group (if applicable)	
Email Address:	Please note: normally, the UNIVERSITY e-mail communication should be used to correspond with you during this process		
Contact Telephone No:			
PAT name:			

<b>2. Module/Unit Information (add rows where applicable)</b>		
Module/Unit Title and code	Form of Assessment	Assessment Deadline

<b>3. I wish to request mitigating circumstances for late submission/deferment of the above assessment(s) for the following reason.</b>

**4. Indicate what documentary evidence you are providing to support your application. This should be submitted with your application, either in hard copy or electronic (scanned) version. Please note that a determination can only be made once supporting evidence is received.**

**5. If you have not been able to supply evidence with your application please provide a statement as to why it is not yet available and a date when you will have this evidence available.**

Reason:

Date when evidence will be available:

**6. Date Request Submitted to PAT**

The following points will help you when submitting an application:

**Do:**

- review the grounds for applying for mitigating circumstances (see Appendix 1 of the Extenuating Circumstances Regulations)
- seek guidance from your module or personal academic tutor if you are experiencing difficulties in completing your work on time
- meet with your tutor prior to the submission/examination date
- discuss with a tutor whether an extension would be appropriate
- request an extension where you are unable to meet the deadline
- submit an application that covers all module assessments you are taking during the period of difficulty
- submit the application prior to the submission/examination date, or if incapacitated within 14 days from the submission/examination date
- complete all sections of the application form
- include evidence to support your case with your application form

**Don't:**

- use evidence that is undated or solely from family members supporting your application - you have to provide independent evidence.

**Checklist to be completed by the Personal Academic Tutor (PAT)**

Please complete sections 7 – 10 then submit form and any related evidence to the Curriculum Leader with responsibility for the course.

7. Application fully completed?	Yes / No	If no, date returned to student for completion:	Date application re-submitted:
8. Supporting evidence received?	Yes / No	PLSP in place?	Yes / No
9. Do you support the application	Yes / No	Please provide an objective statement giving the reason to support your decision:	
10. Appropriate new submission date			
11. Date Student informed of determination outcome **			

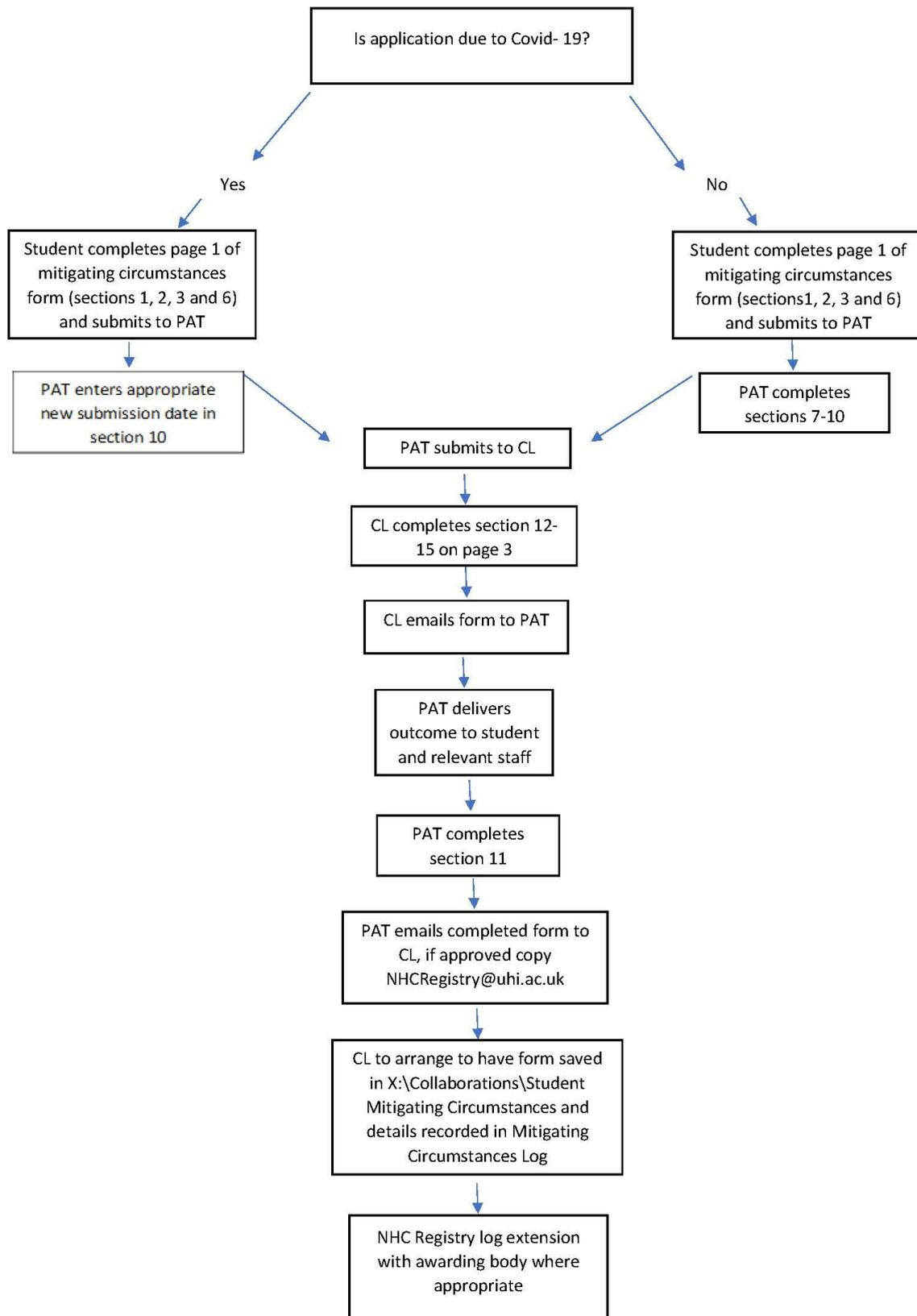
**Determination to be completed by the Curriculum Leader**

Please complete sections 12 – 15 then return form to PAT and if approved copy [NHCRegistry@uhi.ac.uk](mailto:NHCRegistry@uhi.ac.uk) \*

12. Curriculum Leader: (Name)		Date:	
13. Is mitigation request approved?	Yes / No If yes – complete deadline date / assessment brief below		
	If no, provide a reason:		
14. Module(s)/Unit(s)	New Deadline date*	Is a new assessment brief to be issued? Yes / No	
15. Date Returned to PAT:			



## Appendix 4: Flow Chart (including Covid-19 amendment)



## **Appendix 5: Covid-19 Amendment**

In order to relax the current Mitigating Circumstances for session 2019/20 the following has been approved by CLG;

- Individual student requests Mitigating Circumstances due to Covid-19 impact
  - Page 1 of form still to be completed
  - Evidence requirements on page 2 not required
  - PAT not required to annotate or support but progress directly to CL for sign off
  - CL to progress form as normal back to PAT and copying NHC Registry
  
- Individual student requests Mitigating Circumstances for another reason not related to Covid-19
  - Page 1 of form still to be completed
  - Evidence requirements on page 2 not required
  - PAT still to discuss with tutor, annotate and support then progress to CL for sign off
  - CL to progress form as normal back to PAT and copying NHC Registry