



## Higher Education Mitigating Circumstances Guidance for Students 2018-19

For all students undertaking a Higher National (**HNC or HND**) awarded by Pearson BTEC, please read all the guidance.

If your awarding body is the **University of Bolton**, then please refer to:

<https://www.bolton.ac.uk/about/governance/policies/student-policies/>

If your awarding body is the **University of West London**, then please refer to:

Procedures:

<http://www.uwl.ac.uk/students/current-students/policies-procedures-and-regulations>

Also: <https://www.uwl.ac.uk/students/current-students>

### **If you get into difficulties, the College may be able to help you**

Please don't just leave your course if you find yourself in difficulties – give us a chance to listen to you to see what we can do to help. There are many ways in which we can help that you may not be aware of, for example:

- You can apply for severe personal or medical difficulties to be taken into account ('mitigating circumstances') and if accepted, you can be given a new date to submit work by, *without penalty and as if for the first time*;
- If you have to leave us there are intermediate awards or transcripts that may be available to you, to recognise your completed work.

Your personal tutor can help either by advising and guiding you directly or by indicating College services like the Student Services Centre, (which you can approach directly) where you may get professional help such as counselling for example. Students considering suspending studies should be aware that it may have financial implications. There is also the Student Liaison Officer, or College Counsellor, who can speak to you in confidence, offering information, advice and guidance.

### **'Mitigating circumstances' - if illness or other problems affect how you do in assessments**

This section advises you about what to do if you are having problems with assessment, assignments, exams, deadlines etc. caused by personal things beyond your control like serious illness or bereavement etc. These are called 'mitigating circumstances' and it may be appropriate to apply to have account taken of them.

**Please note that if your course awarding body is Pearson BTEC or the University of Bolton, or the University of West London, your course leader or module tutor will be able to advise you what course of action you need to take.**

For instance, the University of Bolton uses a 'Mitigating Circumstances' envelope that you place your application and evidence in and then it is considered by a Mitigating Circumstances Panel. You will be informed of the outcome and may be granted a deferral of your course work or examination until a specified date. You will find all the information on submitting mitigating circumstances in the University handbook.

Please speak with your course leader, so you know how to apply for mitigating circumstances if your awarding body is the University of West London.

**It is crucial that you speak with the course leader, module tutor, or your personal tutor, so that they can advise you on the process as early as possible. They are there to help you so please don't think that your circumstances won't be listened to.**

**For HNC and HND only:** With approval from your module tutor you are allowed **5 working days extension** to the deadline date given for submission of your assignment. You will need to give some evidence as to why you need **5 days extension**. If you feel, due to circumstances beyond your control, that you cannot meet the assignment deadline then you will need to submit Mitigating Circumstances.

Mitigating Circumstances are used when normal in-course extensions can't address the problems. A mitigating circumstances claim is one in which you make a case that your performance in assessment has been significantly and adversely affected by circumstances that are exceptional, unforeseen, outside of your control, sufficiently serious to have demonstrably had an effect on your assessment performance and that happened at a time that made them affect your assessment.

To explain this further:

Exceptional	So, for example, routine things we all face like pressure of work or transport problems are not exceptional.
Unforeseen	So, for example, if you have an on-going illness or disability that affects your assessment you should not use the mitigating circumstances procedure to have account of it. Instead, contact student services at the outset so an assessment can be made and support put in place. <b>However</b> , acute "flare-ups" or events linked to the illness or disability <b>might</b> be appropriate grounds for a mitigating circumstances application.
Outside of your control	So, for example, if your laptop or memory stick failed and you hadn't got a backup that would not be considered outside of your control.
Sufficiently serious to have demonstrably had an effect on your assessment performance	So you need to establish the seriousness, and what affect there has been on your assessment performance.
Happened at a time that made them affect your assessment.	So, for example, your letter and evidence need to link the events with the times when they happened, and the relevant dates on your course.

It is advisable to discuss the mitigating circumstances processes explained here with a tutor but note that you do not have to disclose any of the personal and private matters to the tutor unless you want to. They can advise you about the process without knowing what your personal and private circumstances are. However, whatever they advise, you must understand that they are not involved in the decision and so they do not know what the

outcome will be. You must make your claim; only you can decide what you want to disclose about your personal and private information. Decide for yourself what evidence you feel you need to and want to supply. Do not rely on nor take as definitive any advice or prediction of the likelihood of success or otherwise by your tutor or any other person.

**Checklist for your mitigating circumstances application**

Have you been informed by your course leader, module tutor, or personal tutor of what you need to do to apply for mitigating circumstances to make an effective application?	
Have you obtained advice about how to make an application? (remember, you don't need to disclose any personal information to them if you don't want to)	
Have you signed and dated your application / letter?	
Have you included additional documentary evidence to support your claim?	
Have you made sure you have submitted documents supporting your claim?	
Have you avoided suggesting that other people be contacted about your claim?	
Have you listed each and every module (giving module code and title) and each and every assessment item within the modules that your application applies to?	

**Supporting evidence is essential**

The following specific points of advice are offered based on experience and each should be read carefully, perhaps with a tutor to help you understand them.

Often, mitigating circumstances are of a medical nature. In such cases originals of documents like "sick notes", doctors' letters, test results etc. can be valuable evidence. Prescriptions and pharmacists' medication labels can often be helpful as they are dated and name the person they are for.

**MOST IMPORTANT: If your application only contains a personal statement from you, your application will be rejected. There has to be supporting evidence. Don't forget the letter must be signed and dated.**

- You must make your own claim and choose what evidence to include. Nobody else can make a claim for you UNLESS your personal circumstances themselves make it completely impossible for you to make a claim.
- Do not make statements like "please speak to XX who will confirm this" or "if you need further information, please contact YYY". The panel will only go by what evidence you submit.
- The panel will consider your documents that you have submitted as supporting evidence. Please make sure you request these back after the panel has made its decision.

- Give enough detail in the letter you write to enable the panel to understand your circumstances, but don't write at excessive length.
- **Do not make reference to the contents of previous applications** – the case must stand on its own merits based only on the contents of the envelope.
- **Medical or mental health** evidence needs **particular care** and should be from a suitable medical / mental health professional (e.g. Doctor, Midwife, Hospital Consultant) and should be authentic (e.g. with an official stamp, on official paperwork with signature and date). It must relate to you, your condition, and how this affects you, over what period of time. If, for any reason, you are unable to provide evidence, then please speak with your course leader, who may be able to help and advise you.
- You may be able to support your case with written evidence from other others, e.g. written evidence from a tutor, a social worker, a minister of religion, a College Counsellor, or a College Student Support person or others who are independent of you. However, remember that **you** have to decide what personal information you want to submit.
- A tutor can support your claim by giving you documentary evidence. For example, you can include emails from them, or other written statement they provide. Again, **you** have to decide what personal information you want to submit.

### Mitigating Circumstances Application Form

<b>TITLE</b> (e.g., Mr, Mrs, Ms, Miss)	
<b>FAMILY NAME(S)</b>	
<b>FORENAME(S)</b>	
<b>STUDENT NUMBER</b> (as shown on Bolton College student card)	
<b>YEAR OF STUDY</b> (e.g., first year)	
<b>FULL TIME OR PART TIME</b>	
<b>NAME OF PERSONAL TUTOR</b> (optional)	
<b>CORRESPONDENCE ADDRESS:</b> (The outcome letter will be sent to this address, which must correspond with a postal address held on the College's student record system.)	
<b>CORRESPONDENCE EMAIL ADDRESS:</b> (To be used to acknowledge your application and, if applicable, request further information. Your College email will also be used.)	
<b>PLEASE LIST THE MODULE NAME(S) AND THE CODE(S) YOU WISH TO APPLY FOR MITIGATING</b>	

<b>CIRCUMSTANCES</b>	
<b>PLEASE LIST THE ASSIGNMENT/S YOU WISH TO APPLY FOR MITIGATING CIRCUMSTANCES</b>	
<b>DATE OF SUBMISSION OF YOUR APPLICATION</b>	

<b>PLEASE STATE BELOW WHY YOU WANT TO APPLY FOR MITIGATING CIRCUMSTANCES</b>

<b>PLEASE STATE WHAT EVIDENCE YOU HAVE INCLUDED TO SUPPORT YOUR MITIGATING CIRCUMSTANCES</b>

I declare that the information I have provided on this form is a true statement of the facts to the best of my knowledge and belief. I also declare that the attached documentary evidence (if any) is a true reflection of my circumstances.

<b>Signed (Applicant):</b>		<b>Date:</b>	
<b>Approved or Rejected (Course/Module Tutor):</b>			

Assignment names and Date/s of new submission of assignments:		Date/s:	
Signed (Course/Module Tutor):		Date:	

Please note that failure to correctly or fully complete the application form could result in your application not being accepted.

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Please send your completed appeal form and evidence to your Course/Module Tutor

**Supporting evidence**

Supporting evidence **MUST** be provided to support your application and should be attached to the Application Form. Please note that you are responsible for gathering and submitting the evidence that supports your application: the College will not gather evidence on your behalf. If you are submitting medical notes or official documents such as death certificates, please ensure you submit the original version of the document and take a photocopy first.

Original documents will be copied by your Course/Module Tutor and returned to you at the time you hand them over or by recorded delivery.

**Extract from the Higher Education Framework for Assessment (Including Code of Practice)**

“2.3 Please note that a student cannot appeal against an assessment decision under the following circumstances:

**It is the College policy that a tutor may refuse to mark any assessment/assignment that is late unless the student has informed the tutor of any difficulties they are experiencing and has been granted an extension of 5 working days. If the student does not submit the assessment/assignment within the 5 working days, then the student should submit formal Mitigating Circumstances.** The tutor can refuse to mark student work that has been submitted late. If the tutor accepts student work that has been submitted late they must not downgrade work to a pass level **unless** the assessment and merit/distinction grade descriptors require evidence of:

- Meeting agreed timelines
- the ability to plan/organise time effectively
- the ability to work to industrial/commercial practices that include implicit timelines

Unless there are exceptional circumstances as to why the student could not submit Mitigating Circumstances, then the student can appeal against the assessment decision. **Refer to the Student Academic Appeals, Regulations and Procedures document.**”

#### 4. Student Responsibilities and code of practice

Students have a responsibility to support the college staff in meeting the requirements of the Higher Education Framework for Assessment (Including Code of Practice). Students are required to:

- 4.1 Submit assessments/assignments on time as detailed on the assessment/assignment brief
- 4.2 Arrive for practical assessments on time and appropriately dressed/prepared
- 4.3 Attend examinations 10-15 minutes before the scheduled start of the examination
- 4.4 Prior to the deadline for completion, make their tutor aware of any reason for late submission
- 4.5 Not use any dishonest means in relation to assessed work, including plagiarising as outlined in the Framework and Procedures for Dealing with Plagiarism, Copying and Cheating
- 4.6 Students should submit assignments by the deadline given by the module tutor. If the student cannot submit on time then it is their responsibility to apply for a **5 day extension** from the module tutor. If, after 5 days, the student does not submit the assignment then the student should submit a '**Mitigating Circumstances Application Form**' in order to avoid a penalty of deduction of mark. **Students should submit a Mitigating Circumstances Application Form as soon as they realise that they cannot submit their assignment on time.**

<b>Area</b>	HE Unit
<b>Prepared by</b>	HE Co-ordinator
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