

MITIGATING CIRCUMSTANCES PROCEDURE FOR SQA PROGRAMMES

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Please ask if you, or someone you know, would like this document in a different format or language.

Change log

Date	Change	Notes
8/7/2016	Paragraph 2.5 added to provide clarity about SVQ assessment	
2/2/2018	<p>Whole procedure edited to make concise and improve presentation.</p> <p>All reference to 'Student Adviser' replaced by 'LDW'</p> <p>All reference to 'Progression Board' replaced by 'CAPB'</p> <p>All reference to 'tutor' replaced by 'unit lecturer'</p> <p>All reference to 'assessment deadline' replaced by 'assessment date'</p> <p>Other changes:</p> <p>3.1 Addition of example how to resolve a problem</p> <p>Section 4 – reordering of points so the process is logically sequenced</p> <p>4.11 & 4.17 removed as they repeat points already made.</p> <p>6.1.6 Expanded to include what to do if application does not meet one of the categories listed at 3.2.1</p> <p>6.2.1 & 6.2.2 merged as they are making the same point</p> <p>7.1 Clarification provided for PT students</p> <p>7.4, 7.5 & 7.6 procedure clarified</p> <p>7.8, 7.9, 7.10 & 7.11 updated to clarify reporting procedure</p> <p>Appendix 2 & 3 Updated and simplified.</p>	
07/08/2018	<p>6.1.6 & Appendices 2, 3 & 4 updated to reflect changes to academic management structure</p> <p>6.2 & 7 – incorrect numbering revised</p> <p>9.1 – clarification provided on 'web'.</p> <p>Appendix 1 1.2 – correct 'Lecturer' to 'Tutor'.</p> <p>Appendix 4 added – Distribution List</p>	

Contents

1	Purpose	4
2	Scope	4
3	Definitions	5
4	Principles	6
5	Confidentiality	8
6	Responsibilities	8
6.1	Staff Responsibilities	8
6.2	Student Responsibilities	9
7	Procedure	10
8	Linked Policies/Related Documents	11
9	Quality Monitoring	11
	Appendix 1 PLSP and coursework extensions	12
	Appendix 2 Mitigating circumstances (extension) request form	15
	Do:	Error! Bookmark not defined.
	Don't:	Error! Bookmark not defined.
	Appendix 3 Report on Mitigating Circumstance Requests ..	Error! Bookmark not defined.

1 Purpose

The college has a duty to all students to ensure assessments are conducted fairly and each student has 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 date.

It is recognised there may be times when a student's circumstances are such that they cannot complete assessments to the best of their ability. For example, they may be unable to attend an examination, or unable to meet an assessment date due to adverse circumstances beyond their control. At such times, students can request Moray College UHI take their personal circumstances into consideration.

2 Scope

- 2.1 The Procedure is relevant to all SQA Awards delivered by Moray College UHI to include Further Education awards, HNC/D awards in Higher Education and work-based SVQ awards where they have a determined assessment date.
- 2.2 Students may apply for mitigation for all forms of summative assessment, whenever they occur.
- 2.3 Students with a long-term condition, disability or chronic illness should normally have agreed a formal student Personal Learning Support Plan (PLSP) with Learner Support to provide additional support for learning and assessment, whilst studying for their chosen qualification. However, if a long-term condition, disability or chronic illness suddenly flares up, or is exacerbated and causing more health issues than normal, this instance 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 PLSP and an extension claimed under mitigating circumstances.

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

https://www.uhi.ac.uk/en/t4-media/one-web/university/about-uhi/governance/policies-and-regulations/regulations/2018-19/appendix-mitigatingcircumstances_2018-19.pdf

3 Definitions

- 3.1 Students are encouraged to inform their lecturer whenever they are experiencing difficulties in meeting an assessment date. 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 negotiating and agreeing a more suitable assessment date with the academic lecturer.
- 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.
- 3.2.1 Mitigating circumstances will normally fall into the following categories:
- 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 are examples of categories, which should **not** be considered valid reasons for mitigating circumstances:
- 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 'Extension' is where an assessment date (including those for examinations) is extended. All requests by a student for an extension should be processed through the Mitigating Circumstances Procedure

4 Principles

- 4.1 A student who does not attend an examination or does not meet an assessment submission date will normally be deemed to have not attempted the assessment unless mitigating circumstances have been submitted in advance of the assessment date. Such circumstance will normally be recorded as a fail at Course Assessment and Progression Boards (CAPB).
- 4.2 Normally, a student will be expected to submit an application for mitigating circumstances at least three days **prior** to an assessment date (see Appendix 2). If this is not possible, it should be submitted as soon as possible and include reasons for the delay. Where a student who has completed an assessment feels their academic performance was affected by circumstances outside of their control, they may still apply for mitigating circumstances retrospectively.
- 4.3 Mitigating Circumstance is deemed a supportive service for students. However, the Personal Academic Tutor (PAT) for HE or Learner Development Worker (LDW) for FE should monitor applications to ensure that a student is not abusing the procedure and is only applying for relevant situations.
- 4.4 In some cases the student and/or the college may decide 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 Moray College and UHI policies 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, Moray College UHI may be unable to grant deferral or suspension of study to international students.
- 4.6 Applications for mitigating circumstances should be supported by documentary 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 Students must normally provide independent third party documentary evidence to support their application (for example, from a medical practitioner, counsellor, hospital, specialist advisor, police, solicitor, or 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.
- 4.8 Evidence for mitigation claims must be current and can be used where circumstances have affected more than one assessment. 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.

- 4.9 Where a student has self-certified their mitigation claim they should submit the work they have done to date. The PAT or LDW may determine whether it is possible to mark this work taking into consideration the student's circumstances
- 4.10 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. **A second or third attempt assessment must involve a different instrument of assessment.** Determination will **not** be considered with respect to remediation work or where a draft of assessed work has been submitted for informal comment.
- 4.11 Where mitigating circumstance is accepted and affects more than one assessment and more than one unit, then the PAT or LDW, in liaison with the relevant assessor(s), may determine a phased submission schedule.
- 4.12 All mitigation applications must be processed prior to the relevant CAPB. A report on mitigating circumstances applications must be kept by the PAT or LDW and submitted to the CAPB for each award (see Appendix 3).

Where provision is networked, an individual report for each academic partner for that course should be submitted to the Programme Leader prior to the CAPB.

- 4.13 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 the assessment date. Mitigating circumstances claims in all instances must be submitted within two weeks of the end of the unit delivery.
- 4.14 All retrospective mitigation applications received after a CAPB must be determined following the normal procedure and the outcome reported to the CAPB Chair to enable a result to be ratified by Chair's Action. The details should be raised as a matters arising at the next CAPB.
- 4.15 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 or LDW should populate a form with the relevant details prior to processing. Appropriate evidence must still be received for approval and then the decision endorsed by the CAPB Chair.

5 Confidentiality

- 5.1 All mitigation applications and supporting evidence are to be treated as confidential. 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 the determination outcome and subsequent change to assessment dates are to be discussed at CAPB.
- 5.3 It is in exceptional cases that a CAPB Chair 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

- 6.1.1 Students must be advised of the submission/examination dates for summative assessments at the beginning of their programme/unit.
- 6.1.2 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.
- 6.1.3 The assessing lecturer, PAT/LDW are responsible for ensuring students are treated equitably and with fairness to ensure decision-making is consistent. The PAT/LDW statement regarding whether they support the application or not, must be an objective view and not be a subjective opinion.
- 6.1.4 Staff must declare any conflict of interest when receiving mitigation claims.
- 6.1.5 A student's PAT/LDW is responsible for processing all applications for mitigation for their cohort of students, ensuring that the application meets the criteria for mitigation and all relevant supporting evidence is received. Where a lecturer has received an application (or request) they should forward it to the student's PAT/LDW for processing.
- 6.1.6 The PAT/LDW is responsible for making the initial decision to approve an application, pending a final endorsement by the CAPB Chair. Where an application does not meet one of the categories listed at 3.2.1 or there is insufficient supporting evidence, the application should be referred for a

decision by the Head of Curriculum or Deputy Head of Curriculum (HoC or DHoC) responsible for the student.

- 6.1.7 Where an application is approved, the PAT/LDW, in consultation with the unit lecturer, is responsible for determining the new date of submission. (see 4.11 above)
- 6.1.8 The PAT/LDW must advise the student that this is an initial decision to support their mitigation claim and that the student will be completing and submitting the assessment work, pending a final endorsement by the CAPB Chair in respect of their mitigation application.
- 6.1.9 The PAT/LDW 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 date falls after a CAPB then the dates of assessment should be clearly recorded at the CAPB and the subsequent outcome followed up by the lecturer as Chair's Action.
- 6.1.10 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.

6.2 Student Responsibilities

- 6.1.1 All students have a responsibility to manage their learning during their registration on an award. This requires students to balance their workloads, to ensure they attend examinations and submit assessment work by the assessment date according to the guidance provided.
- 6.1.2 Wherever possible, students are expected to ensure they have taken reasonable steps to prevent mitigating circumstances occurring.
- Section 3.2.1 provides indicative categories which mitigating circumstances fall within and clearly shows categories that will not be considered.
- 6.1.3 It is a student's responsibility to inform their PAT (HE) or LDW (FE) of any circumstances that may affect their ability to meet their programme commitment.
- 6.1.4 A student should normally submit an application for mitigating circumstances at least 3 working days prior to an assessment date or in exceptional circumstances, within two weeks of the end of the unit delivery.

6.1.5 Any student found to have submitted a false claim for mitigation will be referred to the Student Disciplinary Policy (Academic Misconduct)

7 Procedure

- 7.1 A student submits a mitigation circumstances application with appropriate supporting evidence to their PAT (HE) or LDW (FE). Part time FE students submit their mitigation circumstances application to their nominated lead lecturer who should follow the procedure as identified for the PAT/LDW.
- 7.2 The PAT/LDW confirms the application is complete and the evidence submitted is appropriate. If an application is incomplete in any way, then the PAT/ LDW informs the student of the information required to complete the application.
- 7.3 The PAT/LDW informs the relevant lecturer of receipt of a mitigation application.
- 7.4 If the PAT/LDW is satisfied the application falls into an indicative category as recorded at 3.2.1. and suitable supporting evidence is provided, then the application should be approved.
- 7.5 If the PAT/LDW considers that the application does not fall into any of the indicative categories at 3.2.1 or does not have suitable supporting evidence, then the application should be referred for a decision, to the AD responsible for the student. The PAT/LDW should first record whether they support the application or not and provide a detailed reason for their decision. The AD approves or rejects the application and informs the PAT/LDW of the decision.
- 7.6 If an application is approved, the PAT/LDW discusses with the lecturer a new assessment date for sitting an examination or submission of work, together with the details for that submission e.g. new instrument of assessment etc.
- 7.7 The PAT/LDW informs the student of the final determination together with any details relevant to a further sitting of an exam or submission of assessment.
- 7.8 Where a new date is set for an examination, the PAT/LDW should inform the Exams Officer, the Exam Centre and the International Centre where relevant.
- 7.9 All determinations on mitigating circumstances are pending a final endorsement by the CAPB Chair.
- 7.10 'Report on Mitigating Circumstances' (Appendix 3) is used to record all mitigation applications, **per course** (per partner) and is presented to the relevant CAPB.

NB: Where there is more than one PAT or LDW 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 CAPB.

- 7.11 Records documenting individual students' submission of assessed work and handling of reports of mitigating circumstances should be retained as per college/university guidelines on retention of student assessment records.

8 Linked Policies/Related Documents

- UHI Academic Standards and Quality Regulations
- Student Disciplinary Procedure
- Assessment Policy

9 Quality Monitoring

- 9.1 Quality approval check of the procedure is the responsibility of the Quality Officer who will arrange for the procedure to be posted on the Moray College web page.
- 9.2 Occurrences of Mitigating Circumstances will be reported annually to the Learning, Teaching and Quality Committee.

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 appropriate¹. 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 Regulations²:

- *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, e.g. 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 Regulations², 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].*

In addition, for part-time students:

- *unforeseen and essential work commitments.*

¹ 2015/16 Academic Standards and Quality Regulations, Section 17b.45 (www.uhi.ac.uk/regulations)

² 2015/16, Appendix I.

- 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 form³ (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.
- 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 course⁴.
- 3.3 Our Additional Support Online practitioner guidance now includes a section highlighting the benefits and importance of supplying parameters to support

³ 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>).

⁴ 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).

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

Mitigating Circumstances (Extension) Request Form

STUDENT CONTACT DETAILS

(This form should be completed electronically, where possible)

Student Name:		Student Number:	
Course:		Group (if applicable)	
PAT/LDW			

Unit Information (add rows where applicable)

Unit Code	Unit Title	Form of Assessment	Lecturer Delivering Unit	Assessment Date

Reason for mitigating circumstances application

Documentary evidence you are providing to support your application?

NB A determination can only be made once supporting evidence is received.

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

Reason:

Date when evidence will be available:

Date Request Submitted to PAT/LDW	
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Notes to Help you Submit your Application

- Submit to your PAT (HE) or LDW (FE) a minimum of 3 working days prior to the assessment date. If it cannot be submitted in advance it should be submitted as soon as possible and include reasons for the delay, but it must be submitted within two weeks of the end of the unit delivery.
- Include supporting documentary evidence appropriate to the request.
NB Your request 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/LDW and CAPB Chair). However, if it is necessary to disclose information to another party, this will only be done with your permission.

Do:

- Review the grounds for applying for mitigating circumstances (see definitions)
- Seek guidance from your PAT (HE) or LDW (FE), if you are experiencing difficulties in completing your work on time
- Meet with your PAT/LDW prior to the assessment date and discuss whether an extension would be appropriate
- Request an extension where you are unable to meet the assessment date
- Submit an application that covers all unit assessments you are taking during the period of difficulty
- Submit the application prior to the assessment date, or if incapacitated, within 2 weeks of the end of the unit delivery.
- 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

Mitigating Circumstances Checklist to be completed by PAT (HE) or LDW (FE)		
PAT/LDW:	Name	
Student	Number	Name
Application	Fully Completed?	Yes / No
	If no, date returned to student for completion:	Date application re-submitted:
Documentary Evidence	Received?	Yes / No
	PLSP in place?	Yes / No
PAT/LDW	Do you support the application?	Yes / No
	Give reasons to support your decision:	
Head of Curriculum or Deputy Head of Curriculum	Do you support the application	Yes / No
	Give reasons to support your decision:	
Date Student informed of determination outcome		

*The Exams office should be informed of any new exam dates

Distribution List for Mitigating Circumstances Procedure for SQA Programmes

TITLE
Principal
Director of Learning & Teaching
Director of Curriculum & Academic Operations
Director of Information, Planning and Student Support
Heads of Curriculum (ALL)
Head of Academic Partnerships
Deputy Heads of Curriculum (ALL)
Deputy Head of Academic Partnerships
Curriculum Team Leaders
Student Advice Manager
Quality Officer
Administration Officer
Learning Support Officer
Exams Officer
Staff Development Officer
Clerk to the Board