

Provider's name: Newham College of Further Education

Provider's UKPRN: 10004607

Mitigation Circumstances Policy

Academic Year 2022/2024

1. Introduction

1. Academic judgments can only be based upon academic evidence in the form of student work. Whilst evidence of mitigating circumstances might suggest that a student may not have had a fair and uncompromised opportunity to demonstrate his/her academic achievement, it cannot indicate what the academic outcome should be. In all circumstances, the academic outcome must reflect a valid and justifiable assessment of work submitted by the student.

1. Scope

1. The policy applies to all students on College courses that can be described as meeting the level descriptor, 4 and above, of the Framework for Higher Education Qualifications (FHEQ), that is prescribed and non-prescribed HE courses at the College.

2. External Reference

[Office for Independent Adjudicator](#)
[UK Quality Code for Higher Education - Assessment](#)

3. Definitions

2. Where a student submits an appeal, the original decision that is being appealed against will remain in effect unless or until an appeal is upheld. Where an appeal relates to a withdrawal for non-engagement under the College Attendance and Engagement Policy, we may consider allowing a student to continue studying during consideration of their appeal.

3. Matters relating to the delivery of a module or modules, will not normally be considered a ground for appeal, but may be eligible for consideration under the Student Complaints Procedure.

4. Mitigating circumstances are factors which have a detrimental effect on a student's academic work. A student may ask for mitigating circumstances to be taken into account in order:

- a. to explain absence from an examination;
- b. to explain failure to submit work, or to submit work on time;
- c. to support a request for an extension to a submission deadline, or to defer assessment;
- d. to explain cases where the student's academic performance falls below expectations.

Mitigating circumstances must be:

- a. *significant*, meaning that they should have a clearly detrimental effect on the student's academic work; and
- b. *relevant*, meaning that they must relate directly to the timing of the class, assessment, or deadline in question; and
- c. *outside the student's control*, meaning that the effect could not be avoided, counteracted or reduced by the student taking reasonable steps in preparation or in response.

4. Submission of requests

5. Students must use the recognised form Annex 1. All requests for mitigating circumstances to be taken into account must be submitted by email to HE.Registry@newham.ac.uk. A discussion between a student and a member of staff does not constitute a request for mitigating circumstances later to be taken into account. In submitting a request, the student should set out all the relevant factors through the Mitigating Circumstances Form, including details of the class, assessment or

deadline in question, the nature of the circumstances that directly impact their work. Only that information which is included in the student's written submission may be considered.

6. Requests should be submitted at the earliest opportunity and within published assessment deadlines. Extensions to submission deadlines should be requested at least 2 working days before the day of the deadline in question; requests to defer should be submitted before the date and time of the assessment in question and must be prior to the result of the assessment being known.

7. Only in the most exceptional circumstance will applications for mitigation be considered retrospectively and it is clearly communicated that the delay could not have been avoided or reduced due to the circumstances. Each case will be reviewed on an individual basis taking into account all factors leading up to the request. The private or confidential nature of the circumstances may restrict the documentary evidence submitted. In these cases confidential confirmation from support services e.g. Student Services will be taken into account.

8. The College reserves the right to check the authenticity of all documentation submitted as part of a request for mitigating circumstances to be taken into account. Any student who submits inauthentic documentation, or who misrepresents material facts in the request, may be subject to proceedings under the Disciplinary Policy. All requests and evidence will be retained by the College and documentation will not be returned to students unless it is specifically requested and a copy will be taken for our records.

5. Documentary evidence

9. Where possible, students should provide the original documentary evidence to corroborate their mitigating circumstances claims. All evidence must be submitted along with the copy of the mitigating circumstances form. The College may exceptionally decide to accept documentary evidence which is presented at a later date if it is clear that the delay could not have been avoided or reduced by the student taking reasonable steps to obtain and provide evidence at the appropriate time. In such cases, however, the delay may limit the action which is available to the College in response to the request.

10. The nature of the evidence will necessarily depend on the nature of the circumstances in question. As far as possible the evidence should come from a relevant official body. For medical conditions, this should be a note from a recognised qualified medical practitioner who has seen student during the period of the condition and is not a close friend or relative (evidence relating to alternative methods of treatment may be accepted only in combination with a written diagnosis of the condition by a practitioner in conventional medicine).

11. Documentary evidence must normally be presented in English, or in the original language with a certified translation into English.

6. Consideration of mitigating circumstances

12. Requests may be rejected without further consideration:

- a. if the circumstances described therein are not significant, not relevant and not outside the student's control; or
- b. if the request was submitted late without acceptable cause, or was submitted without adequate supporting evidence.

13. The procedures for considering requests must promote consistency and confidentiality. To this end, all requests from within a single academic unit should be considered by one individual, or in the case of more significant assessment decisions, by a small group. Records should be kept of decisions taken for future reference and so that similar allowances can be applied to similar circumstances in future.

14. Academic judgments can only be based upon academic evidence in the form of student work. Whilst evidence of mitigating circumstances might suggest that a student may not have had a fair and uncompromised opportunity to demonstrate his/her academic achievement, it cannot indicate what the academic outcome should be. Therefore, the preferable response is to provide student with a further attempt at the assessment without penalty at the next available opportunity. In all circumstances, the academic outcome must reflect a valid and justifiable assessment of work submitted by student.

15. Those who are involved in considering requests should be aware of their duties under the Disabilities Discrimination Act. For students who have registered with Disability Services at the start of their studies and have been given reasonable adjustments during the year and at the point of assessment. No further action need be taken in these cases, provided that the adjustments were implemented and the student has not raised material concerns. However, it can happen that a student's disability is diagnosed part-way through the programme, or that a student does not report a long-term illness or condition until the very end of his/her studies. Whilst it is not the expectation in such cases that the examiners re-mark student's work from previous years, the examiners do have a duty to consider in retrospect:

- a. whether student has been substantially disadvantaged compared to students without the same disability;
- b. whether the substantial disadvantage was caused by College provision (e.g. teaching and assessment methods; arrangements for attendance and submission of work);
- c. what steps could be taken at this stage to counteract any disadvantage;
- d. whether it would be reasonable to take those steps.

16. If a student has formally reported mitigating circumstances earlier in the year, or in a previous year, the evidence should be carried forward for consideration for as long as it remains relevant. However, requests should still be submitted at the appropriate time to identify which assessments have been affected.

7. Extensions to assessment deadlines

17. A student may apply on grounds of mitigating circumstances for an extension to the deadline for assessment in one or more components of a particular module. The maximum period of extension available **is two weeks and the application must be made before the time of submission.**

18. The extension may only be granted where the mitigating circumstances and supporting evidence are judged to be sufficient.

19. The effect of a granted extension on those elements of assessments not submitted through Turnitin or through formal examination is to allow a student to complete the assessment at the next available opportunity, as determined by the College without penalty, provided that assessment outcomes can be considered at the next Assessment Board.

20. The application for an extension should be submitted at least 2 working days in advance so that the student would still have the opportunity to undertake the assessment at the normal time if the application were to be refused. In all cases the application must be submitted before the date and time of the assessment in question.

21. Circumstances may prevent a student requesting an extension to a deadline or their request may not have been submitted sufficiently in advance of the deadline to know the outcome. Where this is the case, the assessment in question should be submitted at the earliest opportunity after the

deadline along with mitigating circumstances "Late Submission Form". These will be reviewed to ascertain whether a Late Work Penalty should be applied (see section xx Academic Regulations).

22. Under normal circumstances, all applications and supporting evidence must be submitted to which is responsible for the module/s in question, using the appropriate proforma and in accordance with the College's policy on Mitigating Circumstances.

8. Deferral of assessment

23. A student may apply on grounds of mitigating circumstances for permission to defer assessment in one or more components of a particular module to the next available assessment opportunity.

24. The deferral shall only be granted where—

- a. the mitigating circumstances and supporting evidence are judged to be sufficient; and
- b. an extension to the assessment deadline would not be appropriate.

25. The application to defer should be submitted sufficiently in advance so that the student would still have the opportunity to undertake the assessment at the normal time if the application were to be refused. For an examination or test, this means the published start time; for other types of assessment, this means the published submission deadline. The Assessment Board may exceptionally accept an application after the deadline if it is satisfied that the student could not with reasonable diligence have disclosed his/her circumstances at the appropriate time.

26. Other than in exceptional circumstances, all applications and supporting evidence must be submitted to HE.Registry@newham.ac.uk which is responsible for the module/s in question, using the appropriate proforma and in accordance with the College Policy on Mitigating Circumstances.

27. A student who has been granted a deferral may nonetheless decide to undertake the assessment at the normal time, in which case the deferral automatically shall be cancelled. Otherwise the decision to defer the assessment shall be recorded and shall appear on the student's transcript.

9. Annex 1 - MITIGATING CIRCUMSTANCES APPLICATION

What are you applying for

An extension to a deadline?

A deferral of a unit/module of study?

IMPORTANT: IF YOU ONLY REQUIRE AN EXTENSION OF YOUR COURSEWORK DEADLINE DATE DISCUSS THIS WITH YOUR MODULE LEADER FIRST.

A REQUEST TO DEFER YOUR COURSEWORK IS DIFFERENT FROM A REQUEST FOR AN EXTENSION. SEEK GUIDANCE IF YOU ARE UNSURE WHICH IS MOST APPROPRIATE FOR YOU.

If an application is accepted the dates will be available through your outcome letter.

Name:	Mr/Mrs/Miss/Ms
Address for correspondence:	Telephone No.
	Mobile Phone No.
Student ID number (from your Student Card):	
Course:	Year: Level:
Department:	Campus:
Have you requested deferrals before?	Yes/No
Is your request related to a long-term illness or condition?	Yes/No

COURSEWORK

Module/Unit Title:	Code:	Type of Coursework e.g. essay, phase test, presentation etc.	Deadline Date:

Do you have a disability	
	Do you think you will need any disability related support or adjustments at any stage during the application process?
	You can find contact details for Disability Services at Student.services@newham.ac.uk

Give a brief description, including relevant dates, of the extenuating circumstances which apply to the above coursework/assessments, explaining how your performance would have been seriously impaired by the circumstances. You may use a separate sheet for this if you prefer.

List the supporting evidence which you have attached to this form. Evidence of an exceptionally sensitive or personal nature may be sent by separate email and password protected. Please provide the password to the Student Services Team separately.

Declaration by Student: I confirm that all of the information I have given on this form and all supporting evidence I have provided is truthful, accurate and relevant. I understand that the College is entitled to verify the documentation that I have provided

Signed _____ Date _____

Decision of Panel: Deferral YES/NO

Submission date

Mitigation YES/NO Submission date

Signed