



MORAY COLLEGE

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<i>Responsibility for Policy</i>	Director of Curriculum and Academic Operations
<i>Responsibility for Implementation</i>	Heads of Curriculum and Head of Academic Partnerships
<i>Responsibility for Review</i>	Quality Officer
<i>Date for Review</i>	August 2024

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

Revision Date & Change Log

Date of Revision	Brief Description of Change	Date Approved
8/7/2016	Paragraph 2.5 added to provide clarity about SVQ assessment	dd/mm/yy
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>	
March 2021	<p>Responsibility for implementation changed to HoCs</p> <p>Throughout document</p> <ul style="list-style-type: none"> • links to relevant policies and documents added to support navigation between documents. 	

	<ul style="list-style-type: none"> • Included reference to Training Co-ordinator in relation to work-based students. • Restructured procedure text to ensure fluid reading. <p>2. section restructured and additional para at 2.2 added in response to removal of “SQA Provision” in title of procedure to ensure mitigating circumstances process is applied across awarding body provision.</p> <p>3. Section added to signpost reader to related policies and documents</p> <p>5.5 Signpost to Student Advice Manager for queries regarding international students</p> <p>8.4 new checklist incorporated into process</p> <p>10. New section to clarify review cycle</p>	
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<i>Staff can access forms on the Quality SharePoint site (staff quality toolkits). Copies are included here for external viewing.</i>		
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1. Purpose

- 1.1. 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.
- 1.2. 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 Mitigating Circumstances Procedure is relevant to:
 - Further Education awards;
 - HNC/D awards in Higher Education; and
 - Work-based SVQ awards where they have a determined assessment date.
- 2.2. The Mitigating Circumstances procedure is applicable to the above award types regardless of the awarding body. Awarding body provision at Moray College includes:
 - The Scottish Qualifications Authority (SQA);
 - College Certificates;
 - City and Guilds (C&G);
 - The British Computer Society (BCS);
 - Vocational Training Charitable Trust (VTCT);
 - EAL; and
 - University of Arts London Awarding Body (UAL).
- 2.3. Students may apply for mitigation for all forms of summative assessment, whenever they occur.
- 2.4. 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 (more information on this can be found in the [Learner Support Policy](#)); 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.

3. Related Policies and Regulations

- 3.1. The Mitigating Circumstances procedure underpins the following policy documents:
 - [Academic Quality Policy](#) – Course Assessment and Progression Boards, see section 18.9 of the Policy); and
 - [Academic Standards and Quality Regulations](#) – Appendix titled Mitigating Circumstances (Appendix H at the time this procedure was written)

4. Definitions

- 4.1. 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.
- 4.2. '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.
- 4.2.1. 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; or
 - 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.
- 4.2.2. 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; or
 - normal work commitments on behalf of an employer.
- 4.3. 'Determinations' are outcome decisions made against an application for mitigating circumstances.
- 4.4. '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.
5. Principles
- 5.1. 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 Board (CAPB).

- 5.2. Normally, a student will be expected to submit an application for mitigating circumstances **at least three days prior** to an assessment date. If this is not possible, the application 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.
- 5.3. Mitigating Circumstances is deemed a supportive service for students. However, the Personal Academic Tutor (PAT) for HE, Learner Development Worker (LDW) for FE, or the Training Co-ordinator (TCO) should monitor applications to ensure that a student is not abusing the procedure and is only applying for relevant situations.
- 5.4. In some cases, at HE level 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](#).
- 5.5. 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. Contact the Student Advice Manager if you require more information.
- 5.6. 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.
- 5.7. 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.
- 5.8. 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.
- 5.9. Where a student has self-certified their mitigation claim they should submit the work they have done to date. The PAT, LDW or TCO may determine whether it is possible to mark this work taking into consideration the student's circumstances.

- 5.10. 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.
- 5.11. Where mitigating circumstance is accepted and affects more than one assessment and more than one unit, the PAT, LDW or TCO in liaison with the relevant assessor(s) may determine a phased submission schedule.
- 5.12. All mitigation applications must be processed prior to the relevant CAPB. A [report](#) on mitigating circumstances applications for each award must be kept by the PAT, LDW or TO and submitted to the chair and the clerk prior to the CAPB..

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.

- 5.13. 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 unit delivery.
- 5.14. 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.
- 5.15. 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, PAT, LDW or TCO 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.

6. Confidentiality

- 6.1. 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.
- 6.2. Only the determination outcome and subsequent change to assessment dates are to be discussed at CAPB.
- 6.3. 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.

7. Responsibilities

7.1. Staff Responsibilities

- 7.1.1. Students must be advised of the submission/examination dates for summative assessments at the beginning of their programme/unit.
- 7.1.2. 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.
- 7.1.3. The assessing lecturer, PAT, LDW or TCO 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.
- 7.1.4. Staff must declare any [conflict of interest](#) when receiving mitigation claims.
- 7.1.5. A student's PAT, LDW or TCO 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 or TCO for processing.
- 7.1.6. The PAT, LDW or TCO 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 [4.2.1](#) 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) or Head of Academic Partnerships (HAP) responsible for the student.
- 7.1.7. Where an application is approved, the PAT/LDW/TO, in consultation with the unit lecturer, is responsible for determining the new date of submission (see para [5.10](#) above)
- 7.1.8. The PAT/LDW/TCO 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.
- 7.1.9. The PAT/LDW/TCO 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.
- 7.1.10. The CAPB Clerk should inform the International Office 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.

7.2. Student Responsibilities

- 7.2.1. 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.
- 7.2.2. Wherever possible, students are expected to ensure they have taken reasonable steps to prevent mitigating circumstances occurring.
- 7.2.3. Section 4.2.1 provides indicative categories which mitigating circumstances fall within and clearly shows categories that will not be considered.
- 7.2.4. A student should normally submit an application for mitigating circumstances at least three working days prior to an assessment date or in exceptional circumstances, within two weeks of the end of the unit delivery.
- 7.2.5. Any student found to have submitted a false claim for mitigation will be referred to the [Promoting a Positive Learning Environment \(PPLE Policy\)](#).

8. Procedure

- 8.1. A student submits a [Mitigating Circumstances application](#) with appropriate supporting evidence to their PAT (HE), LDW (FE) or TCO (Apprentice). Part time FE students submit their application to their nominated lead lecturer who should follow the procedure as identified for the PAT/LDW.
- 8.2. The PAT/LDW/TCO 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.
- 8.3. The PAT/LDW/TCO informs the relevant lecturer/assessor of receipt of a mitigation application.

Application accepted by PAT/LDW/TCO

- 8.4. If the PAT/LDW/TCO is satisfied the application falls into an indicative category as recorded at [4.2.1](#) and suitable evidence is provided, then the application should be accepted. The PAT/LDW/TCO will update the [Checklist](#) to record the accepted decision and will send the assessment lecturer/assessor an email to notify them of the outcome (see [para 8.8](#) for next steps)

Application not accepted by PAT/LDW/TCO

- 8.5. If the PAT/LDW/TCO considers the application does not fall into any of the indicative categories at [4.2.1](#) or does not have suitable supporting evidence, the application form, checklist, and evidence should be passed to the relevant HoC/DHoC/HAP who will review the documentation.

8.6. The HoC will approve or reject the application and will update the checklist with the decision outcome and justification. They will return all documentation to the PAT/LDW/TCO who will notify the relevant assessment lecturer/assessor.

8.7. If the HoC/DHoC/HAP's decision is to reject the application the PAT/LDW/TO will:

- update the [CAPB MC Report](#);
- Inform the student; and
- Send [CAPB MC Report](#) to the relevant CAPB Chair and Clerk.

Application approved

8.8. When an application has been approved either by the PAT/LDW/TCO or the HoC/DHoC/HAP, the LDW/PAT/TCO will inform the assessment lecturer/assessor who will complete an [Extension Form](#) in consultation with the student and will email the completed form to the PAT/LDW/TO.

8.9. The PAT/LDW/TCO will update the [CAPB MC Report](#) and forward the extension form to the relevant member of the admin team who will enter the extension details in SITS.

8.10. The PAT/LDW/TCO will inform the student of the decision and provides any details relevant to a further sitting of an exam or submission of assessment.

8.11. 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.

8.12. All determinations on mitigating circumstances are pending a final endorsement by the CAPB Chair.

8.13. The [CAPB MC Report](#) is used to record all mitigation applications, **per course** (per partner) and is presented to the relevant CAPB.

8.14. Where there is more than one PAT, LDW or TCO per course a single report form must be used for recording mitigating circumstance decisions. **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.**

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

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.

10. Procedure Review

- 10.1. This procedure will be reviewed every 3 years or earlier if required.

Mitigating Circumstances (Extension) Request Form

You can apply for Mitigating Circumstances if you think your personal circumstances will affect your ability to attend an exam, or mean that you cannot:

- complete an assessment to the best of your ability; or
- meet the assessment deadline.

We will keep your application confidential. Only authorised staff members who have to deal with your request will see it. In some cases, we may have to discuss your application with another person, if this happens we will always ask your permission first.

We will consider your application for Mitigating Circumstances if you have been effected by one of the problems listed below (you must submit evidence)	We will not consider your application if the problem you are having is a result of one of the following:
<ul style="list-style-type: none"> ✓ 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 the adult) ✓ For part time students – unforeseen and essential work commitments 	<ul style="list-style-type: none"> × Any ongoing situation known to the student; × Inadequate time management; × Moving house or holidays; × Misreading the assessment or exam timetable; × Computer/IT problems experienced on the student's own equipment; × Normal work commitments

Notes to help you submit your application

Submit the form to your LDW a minimum of 3 working days **prior** to the assessment date or as soon as possible thereafter including reasons for the delay.

It must be submitted within **two weeks** of the end of the unit delivery.

Do:

- Review the grounds for applying for mitigating circumstances (see above)
- Talk to your LDW if you are experiencing difficulties in completing your work on time
- Meet with your LDW before the assessment date and discuss whether an extension would be appropriate
- Ask for 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
- 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.

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Mitigating Circumstances (Extension) Request Form

Student Name		Student Number		Date of Request	
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Course		Group (if applicable)		LDW Name	
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UNIT INFORMATION (add rows if needed)				
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Unit Code	Unit Title	Assessment Details	Lecturer Delivering Unit	Assessment Date

Reason for mitigating circumstances application

Please tell us what evidence you are providing to support you application for Mitigating Circumstances for example, e.g. medical certificates for the relevant time period, letters from medical specialists, letters from professional counsellors, legal documents.

If you have not been able to supply evidence with your application, please tell us why and tell us when you think you will be able to provide it. Please note that we cannot make a decision about your application until we have received your evidence.

Mitigating Circumstances Checklist

LDW:	Name:				
Student	ID Number:	Name:			
Application	Fully Completed?	Yes		No	
	If no, date returned to student and action required:	Date application resubmitted:			
Documentary Evidence	Received?	Yes		No	
	PLSP in place?	Yes		No	
LDW	Do you support the application?	Yes		No	
	Give reasons to support your decision:				
Head of Curriculum	Do you support the application	Yes		No	
	Give reasons to support your decision:				
Date Student Informed of Decision					

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

Extension Form - Student Information			
Course			
Student Name		Student Number	
Unit Name		Unit Number	
Unit Lecturer		IV Lecturer	
Number of Outcomes passed		Number of Outcomes extended	
Specific detail of assessment(s) to be completed			
Lecturer instructions to student for completion			

Student Support Required to Complete Assessment	
	Yes/ No
Lecturer – face to face	
Lecturer - email	
Brightspace VLE	
ELS	
Assessment Invigilator	
Self-Study	
Other – Please specify	

Collection of assessment	
Student already has assessment	
To be sent to student (By Who)	
To be collected (From Where)	

	Signature	Date
Lecturer		
Student		
LDW		

