

EDA COLLEGE



MITIGATING CIRCUMSTANCES PROCEDURE

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Applying for Mitigating Circumstances¹

You can apply for mitigating circumstances if:

- You have an assessment submission due and have circumstances outside of your control which will reasonably affect your ability to submit on time (and, unless it is a resit, a short extension will not allow you to catch up), or have meant you have already missed a submission deadline
- You have circumstances outside of your control which reasonably mean you will not be able or ready to sit an exam, or have already missed an exam

Please note: if you are applying for mitigating circumstances, you **should not** make a submission/sit the assessment. If you do sit/submit, you are agreeing that you are happy that it has not been affected by your circumstances and these circumstances are extremely unlikely to be able to be taken into account at a later date. If it is later discovered that you sat the assignment, the results of the assignment may be applied to your profile, overwriting the Mitigating Circumstances.

Assessments may direct a student to appeal instead, if the Mitigating Circumstances process is not suitable for the student's preferred outcome.

Insufficient grounds for Mitigating Circumstances include:

- Employment commitments, e.g. attendance at placements, fieldwork, voluntary work, etc.
- Normal domestic issues, e.g. moving house, weddings
- IT issues which could reasonably have been foreseen, e.g. not allowing enough time to submit work, computer failure
- Not allowing enough time to source a suitable placement
- Routine medical appointments
- Holidays or other travel
- Sporting or social events, e.g. weddings
- Financial difficulties
- Pressure of work
- Number of deadlines close together
- Unaware of the submission date
- Unaware of closing times for Registry

¹ The Mitigating Circumstances Procedure narrated in this document is a customized adoption of Newman's Mitigating Circumstances Policy.

Guidance on how to make an application:

The Mitigating Circumstances Form is available on EDA College website as well as in the College VLE.

The rules about applying for mitigating circumstances are set out in the Academic Regulations, which can be found in EDA-Newman Academic Regulations, including a useful flowchart of the process.

You should submit your mitigating circumstances application as soon as possible. All applications for Mitigating Circumstances should be received by Assessments within 28 days of the due date of the item of assessment which they are being applied for. If you are unable to submit your application within this timescale, please provide details of the reasons for this on your application and include any supporting evidence.

Upon receiving your form, the Assessments team will identify whether your application can be agreed clerically, or if it needs to be reviewed by the Mitigating Circumstances Panel. Clerical approval can be granted for applications for:

Mitigating Circumstances reason	Suitable Evidence
Student has applied for Mitigating Circumstances for 1 or 2 components within the past 28 calendar days	Evidence appropriate to the circumstances, and is clearly dated, covering a suitable time period
Student is pregnant	Antenatal appointment, scan records, MAT1B form, Maternity records, patient records showing pregnancy
Student has had a bereavement in the past 3 months	Death certificate, order of service, dated in the 3 months prior to the application date
Student is ill and has a sick note or GP letter	Sick note with a date either covering all dates on the application, or ending up to 7 calendar days prior to the submission date(s) on the application GP letter which is dated within 14 calendar days before or after the submission date(s) on the application, and includes a clear statement of diagnosis. <i>Please note that letters that state that the student reported certain symptoms or a condition are not suitable for clerical approval.</i>
Student has been prescribed medication	Prescription or photo of medication in the student's name, prescribed within 14 calendar days before or after the submission date(s) on the application
Student or their partner has given birth in the past 3 months	Birth certificate where the student is named as a parent, child's birth was in the 3 months prior to the application date

If you are requesting to **retake** modules, your application must be reviewed by the Mitigating Circumstances Panel; clerical approval cannot be granted for retakes.

If your application cannot be approved clerically, it will be reviewed at the next Mitigating Circumstances Panel. Within 10 working days of Assessments receiving your application, the team will aim to send a Approval to your email, to let you know that the case will be reviewed by the next Mitigating Circumstances Panel.

The Panel meets on a monthly basis and there is a deadline by which your application should be submitted in order to be considered at the next meeting.

Please be aware that if you are granted Mitigating Circumstances, your work will usually be due in at the next resit period. This is typically as a resit without penalty (eligible for the full mark), unless you already have a failure or non-submission at an earlier attempt. The Panel may offer submission at a later resit period in exceptional circumstances. For modules that are due to be ratified at the Semester 2 Panels (Semester 2 modules and year-long modules) this will mean that your submission(s) will be due in the summer resit period (August). If you are a final year student, there will be no opportunity for a further resit, should you need it, in time to graduate the same year.

When completing the Mitigating Circumstances (MC) Form, please clearly set out full details of the circumstances that have impacted you, how these have impacted you, and the period for which this has occurred. If you have an extension/ILP/RAP, please complete both the original and relevant extension or resit submission dates. We would also advise you to include as much suitable evidence of your circumstances as possible. All applications to the Mitigating Circumstances Panel are heard anonymously, so you need to ensure your application clearly sets out your circumstances.

Examples

Below are some examples of Mitigating Circumstances applications, which you may find helpful.

Example of a poor Mitigating Circumstances application:

I have had a lot going on this semester and it has affected my work.

This application is not detailed enough; it does not tell the Mitigating Circumstances Panel what circumstances are affecting you, or when they occurred.

Example of a good Mitigating Circumstances application:

My mother had been ill since January, and she passed away on the 8th of November. My assignment was due in on the 13th of November. I had to care for my mother in the months before she died, and felt very depressed. I was not able to finish my work as I was very emotional and unable to sleep when she died.

This application includes details about the circumstances affecting the applicant, how they stopped them studying, and when key events took place. If supported by suitable evidence, it would be an example of a good Mitigating Circumstances application.

Mitigating Circumstances applications for Placement modules

If you are applying for Mitigating Circumstances for a placement module, due to difficulties in sourcing or completing a placement, please ensure you summarise the activities you have taken in trying to source a placement, with the dates you did these activities. If you have contacted any EDA staff for support with seeking a placement, state on your application who you contacted, when you spoke to them, and what you discussed. Ensure all the above points are supported by evidence you send in with your application, e.g. screenshots of emails. If you have started your placement, include how many placement hours you have completed so far.

Resolution Options

The MC Form asks you to list against each component how you would like your application to be resolved. Please be aware that any submissions made with Mitigating Circumstances must be handed in at a resit date; submissions in between these dates are not possible. Resit Information will be provided by registry in due course.

Please ensure that you use the correct terminology if you are asking to resit or retake modules: If you are asking to **resit**, then you want to hand in the outstanding work at the next resit date.

If you wish to **retake**, this means you will need to attend all lectures, etc. for the modules again, the next time the module runs. You will have to hand in **all** work again, but you will be eligible for the full range of marks. You cannot carry forward any components you have already passed; you will need to submit passed components again, meeting the new assignment brief. There is a cost for retaking modules; the College Admissions/Finance team can advise you on what the cost is. There may also be an impact on your Student Finance if you extend your course past its original duration; Student Support can offer guidance on this.

Evidence Guidance

When making an application, you must attach independent supporting documentation to evidence the application – please see the table below for details on what may be accepted as evidence. The forms and evidence need to be returned to the Assessments team, ideally by email to assessment@edacollege.co.uk or in person via the Registry counter.

If your circumstances mean you have difficulty providing evidence, you should explain on your application the reasons for the difficulty and provide any supporting documents that you have available (such as a letter from someone with knowledge of the circumstances). You may also wish to offer to meet in

confidence with the Chair of the Mitigating Circumstances Panel, if it is felt necessary, to discuss this further.

If you need support with completing the application, or advice on the evidence you could provide, you may want to contact the Academic Support to discuss this further before making an application.

Evidence:

All evidence must be clearly legible, in English, and where possible include the date of the event/circumstances. You may submit evidence electronically as an attachment to an email to Assessments, either as a scan or a photograph of the evidence. If you submit evidence in this way, please ensure that you include the whole of the page of evidence. If the relevant section is in the middle of a document, please ensure it is clear who the evidence relates to, e.g. by sending the cover or front page of the evidence. Please do not submit an original document. If you submit photocopied or scanned documents, we may decide that we need to see the original document as well. If you send evidence by post, you must either send it with your Mitigating Circumstances form, or include a note with your name and student number, so that we can attach it to the correct application.

You are responsible for getting and submitting all evidence you want to use to support your application. The college cannot contact third parties or obtain evidence on your behalf.

If possible, submit your evidence at the same time as you submit your application. If you do not have your evidence available, submit your application anyway and then submit your evidence as soon as it is available. Please give an indication in your application of what evidence you expect to provide and when this is likely to be available. You should keep the Assessments team updated if there is a further delay (including reasons for this) and you should submit your evidence as soon as it becomes available, so that your application can then be fully considered.

As a guide, we accept the following evidence.

Mitigating circumstance	Evidence accepted includes:
<p>ou have a serious illness or accident</p>	<p>Letter from a doctor, hospital or other medical professional:</p> <p>Must be on official, headed paper and include the date it was written</p> <p>Must include a clear diagnosis; evidence saying “showed symptoms of” or “said they had symptoms” are unlikely to be agreed</p> <p>Must confirm the period of the illness or accident</p> <p>Should state that you were, or will be, unfit to study at the time of the assessment</p> <p>A Patient Record from your GP; this is a free document which shows recent medical appointments and diagnoses.</p> <p>A copy of a prescription, including the name of the patient, the date the prescription was dispensed, and the medication being taken</p> <p>A photograph of medication boxes, showing the name of the patient, the date the prescription was dispensed, and the medication being taken</p> <p>A fitness for work note, showing you are unfit to work at or around the assessment submission date</p>
	<p>A hospital discharge letter, giving the dates of your hospital admission and the condition you were admitted for</p> <p>Information which is generically available, such as a patient advice sheet or leaflet, is not acceptable. All evidence must clearly relate to you as the patient.</p> <p>If you are ill during a live assessment and medical intervention is required then your application can be supported by the invigilator’s report without the need for medical evidence.</p>

<p>A close relative is seriously ill</p>	<p>Letter from a doctor, hospital or other medical professional confirming the circumstances and the effect these are having on your ability to do the assessment</p> <p>Must be on official, headed paper or have an official stamp</p> <p>Should confirm the period of the illness</p> <p>You must include in your application the person's name and their relationship to you.</p>
<p>A very close family member or friend dies</p>	<p>Medical letter explaining how your grief is affecting your ability to do the assessment</p> <p>Death certificate</p> <p>Copy of order of service, notice of death, celebration of life or similar document</p> <p>Please include in your application the person's name and their relationship to you</p>
<p>You or your partner is pregnant</p>	<p>A copy of your MATB1 form</p> <p>A pregnancy ultrasound appointment letter, or copy of scan image, showing your name and the date the scan was taken, with due date if this is present on the documentation</p> <p>A copy of your maternity records, showing your name and the due date</p> <p>A hospital appointment letter, showing an appointment related to your pregnancy, with due date if this is present on the documentation</p>
<p>You or your partner have recently given birth</p>	<p>A birth certificate showing you as a parent</p>
<p>You face an unexpected or serious difficulty on the day of a live assessment, such as a severe transport delay</p>	<p>Letter from a transport or motoring organisation, or a garage</p> <p>Must be on official, headed paper and include the date of the incident</p>
<p>You become homeless or are evicted from your accommodation</p>	<p>An eviction notice, showing the date you have to leave your home</p> <p>A letter of support from a solicitor, temporary housing provider or advice agency, showing the date, you were evicted or entered sheltered accommodation</p>

You have a serious personal problem	Letter from a doctor, solicitor or other professional authority confirming the circumstances and dates, and how the problem is affecting your ability to do the assessment Must be on official, headed paper, and include the date it was written
You have a long-standing health condition which suddenly gets worse	Letter from a doctor, hospital or nurse Must be on official, headed paper or have an official stamp, and include the date it was written Should say that you are or will be unfit to study
There is a sudden, significant change to your employment	Letter from your employer outlining the changes and the dates these will apply from Must be on official, headed paper
You are the victim of a crime	Police report giving the date of the crime Must be on official, headed paper A crime reference number, must be on communication from the police, e.g. an email, text message, letter or police card Medical, or other professional evidence confirming the effect that being a victim of crime is having on you
You are called for jury duty	Jury summons letter

Evidence should be:

- genuine – we will reject your application if we find that any evidence you submit is false, forged or has been tampered with in any way, and you may be subject to disciplinary procedures;
- independent – we do not accept letters from relatives or friends unless there are exceptional circumstances and it is reasonable that there is no independent evidence available;
- written in English – if the evidence was written in a language other than English, you should, if possible, also supply an officially translated copy or other supporting evidence
- on official, headed paper or have an official stamp or seal of the issuing authority
- Include a date when it was written or created

Letters of support from college staff should be presented on the official Letter of Support template, and must contain factual evidence of the impact of the circumstances only. A letter of support alone is not suitable evidence, it should be accompanied by other evidence of your circumstances.

Student Support Team

You do not need to see a member of Student Support Team to complete and submit an application for mitigating circumstances, but you may wish to make an appointment to discuss your application with them, as they can advise you regarding the feasibility of your application and whether this route is appropriate to your circumstances, as well as any support that may be helpful. They are able to look over your mitigating circumstances form and evidence for you before you submit it, but cannot advise specifically on whether or not your application will be successful, as this is the decision of the Mitigating Circumstances Panel.

ILPs and RAPs

As part of your application, you may ask to be allowed to have a plan to spread out your workload. This will be via an Individual Learning Plan (ILP) or a Reasonable Adjustments Plan (RAP). If you would like this to be considered, you should ask for this on your application form and explain why you think this would be helpful (e.g. if you will need it to allow time to catch up with the missed work whilst also undertaking your new modules and/or your circumstances/health condition will be on-going for a certain period, having an impact on your ability to meet deadlines). If you are caring for someone with significant health issues, you may be permitted to have a RAP by Proxy.

If this is approved, you will be advised in the outcome letter to arrange to meet with a Student Support Team (for Independent Learning Plans that are not related to health issues, and RAPs by Proxy) or with the Inclusion Coordinator or Mental Health Adviser (for Reasonable Adjustment Plans related to health issues) in order to draft the plan.

Alternatively, if you are able to meet with an adviser prior to submitting your application, you may instead submit a draft plan with your application, which may then be approved by the Panel and implemented once your Mitigating Circumstances application is approved.

Please note that an ILP/RAP are only available during the academic year in which you are registered for the relevant modules.

Programmes with Attendance Requirements

If you are studying for a programme where modules have a **professional requirement**, it may not be possible to grant you Mitigating Circumstances for the attendance component, due to regulatory body requirements. Failure of the attendance component typically means you will need to retake the module, not resit it. If you are on one of these programmes and are experiencing circumstances affecting your attendance, it is important that you raise this with your module leader or academic personal tutor (APT) as soon as possible.

If you are dissatisfied with the decision made by the programme team in regard to your Mitigating Circumstances for attendance, you may raise an appeal by making a mitigating circumstances request to the main Mitigating Circumstances Panel. Please ensure you clearly state on your application that your request for Mitigating Circumstances for attendance was declined by the programme team.

Mitigating circumstances for **attendance** is handled within these programmes, and Mitigating Circumstances for **assignments** is handled by Assessments. If you are unsure of who to request Mitigating circumstances from, please contact Assessments for guidance.

If a student is continuing their studies and has to retake a module, but has mitigating circumstances for the module retake, then there may be no retake fee for the module. For further information on this, speak to Finance.

How does the College make the application decision?

The college will assess your application using the following criteria.

- Could you have predicted the circumstances?
- Did you have any control over the circumstances and could you reasonably have avoided them?
- Has your ability to do the assessment been affected?
- Have you provided evidence which is genuine, relevant and independent?
- Does the evidence support your application?
- Does the evidence cover the date (or dates) of the assessment?

What should I do if I am unhappy with a decision?

In the first instance, you should check the reasons for the decision; you can do this by contacting the Assessments team.

If you are not happy with the decision, you may apply for Mitigating Circumstances again, ensuring that you provide any further evidence or information to support your application.

If your application is still refused and you feel that this is unreasonable, you can consider taking this further through a formal complaint. Please see the guidance on making complaints: EDA Student Complaints Procedures.