

UHI | INVERNESS

Mitigating Circumstances Procedure for FE Programmes

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1 Purpose

It is recognised that there may be times when a student's circumstances are such that they cannot complete assessments to the best of their ability, or are unable to attend an examination, or are unable to meet an assessment deadline due to adverse circumstances beyond their control. As a result, students can request that these circumstances are taken into consideration by the college.

The claim and supporting evidence will be treated confidentially. If it is necessary to disclose any information to another party, other than those mentioned in the principles below, this will be done with the student's permission.

The college has a duty to all students to ensure that assessments are conducted fairly, and that students have 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 deadline.

2 Scope

- 2.1 The Procedure is relevant to all FE qualifications delivered by UHI Inverness.
- 2.2 Students may apply for mitigation for all forms of summative assessment, whenever they occur.
- 2.3 Students with an underlying disability or chronic illness should normally have agreed a formal student Personal Learning Support Plan (PLSP)/ Needs Assessment with the Additional Support Needs Department to provide additional support for learning and assessment, as required. However, where such an underlying disability or chronic illness suddenly flares up, or is exacerbated, this 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 Personal

Learning Support Plan (PLSP) and an extension claimed under mitigating circumstances.

3 Definitions

- 3.1 Students are encouraged to inform their lecturer whenever they are experiencing difficulties in meeting an assessment deadline. There are a number of options available that can be offered, depending on how severe the problem is. In many cases the student's problem can be resolved by extending the assessment deadline to a later date.
- 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. Examples of categories mitigation circumstances will normally fall within are shown below:
- 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].
 - unforeseen and essential work commitments.

The following examples should not be considered valid:

- 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 All 'extensions' requested by a student for assessment submission deadlines, including examinations, should be processed through the mitigating circumstances procedure.

4 Principles

4.1 A student will normally be expected to submit an application for mitigation circumstances **prior** to an assessment deadline. However, where a student who has completed an assessment feels their academic performance was affected by circumstances outside of their control may apply for mitigating circumstances.

4.2 Mitigating Circumstances is deemed a supportive service for students. The Curriculum Lead (CL) will track the requests that are received for their School and will be able to identify where there are numerous requests for the same student. They will highlight this to the PDA in order that appropriate support measures can be implemented for the student. The Curriculum Lead (CL) will be responsible for ensuring that a student is not abusing the procedure

4.3 A student who does not attend an examination or does not meet an assessment submission deadline will be deemed to have not attempted the assessment unless mitigating circumstances has been submitted in advance of the assessment and should be recorded as a 'Fail' at the progression board.

4.4 In some cases, the student and/or the college may decide that it is appropriate for the student to interrupt their studies for an agreed period of time. There is no facility for a student to suspend their course at FE level. If a student cannot continue their studies, they will be withdrawn from their course, but they can return to

complete their course in the future. If this is the case, it is recommended that the student speaks with the Admissions, Enrolment and Funding Team to determine whether they are eligible for future funding.

- 4.5 An application should only be considered with full supporting 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.
- 4.6 A determination should be made by the CL as to whether a student will be given a new submission deadline for their assessment, or not.
- 4.7 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. Determination will **not** be considered with respect to remediation work or where a draft of assessed work has been submitted for informal comment.
- 4.8 Students must normally provide independent third-party documentary evidence to support their application (for example, from a medical practitioner, counsellor, hospital, specialist advisor, the police, a solicitor, or named Additional Support Needs staff member) which has dates which cover the period of mitigation. Evidence from family members or fellow students would not normally be accepted.
- 4.9 Evidence for mitigation claims must be current and can be used where circumstances have affected more than one assessment/unit. 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.
- 4.10 Where mitigating circumstances is accepted and affects more than one assessment and more than one unit then the Personal Development Advisor (PDA), in liaison with the relevant assessor(s), may determine a phased

submission schedule.

- 4.11 All mitigation applications must be processed prior to the relevant progression board. A report on mitigating circumstances applications must be kept by the PDA and submitted to the progression board for each award.
- 4.12 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 assessment deadline. Mitigating circumstances claims in all instances must be submitted within ten working days of the assessment deadline.
- 4.13 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 PDA should populate a form with the relevant details prior to processing. Appropriate evidence must still be received for approval to be considered by the CL (or equivalent) and recorded.
- 4.14 The completed Mitigating Circumstances form should be stored in a folder with restricted permissions within the Master Folder area and in line with the Records Retention Schedule.

5 Confidentiality

- 5.1 All mitigation applications are to be treated with confidentiality. The 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 students' permission.
- 5.2 Only details of the determination, and subsequent change to dates, are to be discussed at Progression Boards.

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, PDA, and CL have a responsibility to ensure that all students are treated equitably and with fairness and decision making is consistent. The PDA statement regarding whether they support the application or not must be an objective view and must not be a subjective opinion.

6.1.4. Staff must declare any conflicts of interest when receiving mitigation claims, and this then managed through the conflicts of interest process.

6.1.5. A student's PDA is responsible for processing all applications for mitigation for their course/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 PDA for processing.

6.1.6. The CL is responsible for making the determination on whether a new assessment deadline is given or not.

6.1.7. The PDA is responsible for determining, with the lecturer, the new date of submission. (see 4.12 above)

6.1.8. The PDA 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. NB: where a new assessment deadline falls after a progression board then the dates of assessment should

be clearly recorded at the Board and the subsequent outcome followed up by the lecturer as Chair's Action.

6.2. Student Responsibilities

6.2.1. All students have a responsibility to manage their learning during their registration on an award. This requires students to balance their workloads, to ensure that they attend examinations and to submit work for assessment by the set date of the assessment. This is so that students do not miss deadlines or struggle to meet them.

6.2.2. Students should ensure they meet all required deadlines for assessment submission and submit assessments according to the guidance provided.

6.2.3. Students are expected to ensure that they have taken reasonable steps to prevent the circumstances, wherever possible. Section 2.2 above provides indicative categories which mitigating circumstances fall within, and clearly shows categories which will not be considered.

6.2.4. It is a student's responsibility to inform a member of academic staff or PDA of any circumstances which may affect their ability to meet their programme commitment.

6.2.5. A student should normally submit an application for mitigating circumstances ten working days prior to an assessment deadline. The application form can be found in appendix 1 and handed to the PDA or submitted via e-mail to them.

6.2.6. Any student found to have submitted a false claim for mitigation will be referred to the Student Disciplinary Procedure.

7 Procedure

7.1. A student submits a mitigation application with appropriate supporting evidence to their PDA.

7.2. The PDA confirms the application is complete, including that the evidence submitted is appropriate. If an application is either incomplete or inappropriate, then the PDA should inform the student of the information that is required to complete the application.

7.3. The PDA informs the relevant lecturer of the receipt of a mitigation application.

7.4. The PDA should annotate the application to show whether they are in support or not of the application and provide a detailed written reason for their decision, and then submit the application and supporting evidence to the relevant CL for consideration

7.5. The CL makes a determination based on the evidence supplied i.e. approves or rejects the application and informs the PDA of their decision.

7.6. Where relevant, the PDA discusses with the lecturer a new deadline date for sitting an examination or submission of the assessment and the details for that submission e.g. new piece of work, etc. Where an application has been rejected then the lecturer is to result the student work as a 'Fail' for the progression board.

7.7. The PDA informs the student of the outcome and any details relevant to the submission of assessment(s).

7.8. A record of all mitigation claims is recorded on the 'Report on Mitigating Circumstances' and presented to the relevant Progression Board. Note: where there is more than 1 PDA per course the same report form must be used for recording.

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