

# About Mitigating Circumstances

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**Mitigating circumstances affecting your assessed work:** What they are and how to apply for them.

A brief guide for students

Reviewed February 2024

# 1. WHAT ARE MITIGATING CIRCUMSTANCES?

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Mitigating circumstances are circumstances which:

1. are beyond your control; **and**
2. could not be reasonably prevented or accommodated by you; **and**
3. must have had a significant and demonstratively negative effect on your ability to study or undertake an assessment.

There are many types of circumstances that meet this definition: it could be personal difficulties, health problems or genuine last-minute emergencies. If you have been affected by such circumstances, you can submit a request for an allowance. All three parts of this definition **must be met** before we can make an allowance for you.

## **LIKELY TO BE ACCEPTED AS MITIGATING CIRCUMSTANCES**

The following is a non-exhaustive list of circumstances which are likely to be accepted as mitigating circumstances:

1. Bereavement - death of close relative/significant other (which in an employment context would have led to a period of compassionate leave).
2. Serious short-term illness/accident/hospitalisation (which in an employment context would have led to a period of sickness absence).
3. Deterioration or fluctuation of a disability or long-term health condition.
4. Significant adverse personal/family circumstances.
5. Other significant exceptional factors for which there is evidence of stress caused, ie victim of crime.

Evidence (police crime reference, letter from hospital/doctor treating condition, social worker letter etc) of any of these will be required.

## **UNLIKELY TO BE ACCEPTED AS MITIGATING CIRCUMSTANCES**

Many forms submitted are not deemed to evidence that the circumstances described are genuinely mitigating or exceptional. The following is a non-exhaustive list of circumstances which are **unlikely** to be accepted as mitigating circumstances:

1. Medical circumstances which do not relate to the assessment period in question.
2. Minor illness or ailment, which in a work situation would be unlikely to lead to absence from work.
3. If there is a reasonable case that the circumstances were foreseeable and/or preventable
4. Financial issues.
5. Holidays/family events.
6. Transport difficulties such as delayed flights, strikes or traffic jams. (Students are expected to be at their term-time home throughout the examination period or have made appropriate arrangements if sitting examinations abroad.)

7. Late disclosure of circumstances on the basis that the student did not feel comfortable bringing the circumstances to the attention of the academic department prior to the relevant meetings/boards.
8. Poor time management (pressure of work, conflicting assessment deadlines, unavailability of books etc).
9. Missing exams due to misreading of examination timetable or oversleeping.
10. Submitting the wrong work for assessment or a draft version of the work.
11. A long-term condition where treatment or additional support/arrangements are in place to mitigate.

## 2. TO MAKE A SUCCESSFUL REQUEST, YOU WILL NEED TO:

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1. **Describe** your mitigating circumstances and tell us why the situation was out of your control, explaining how you could not have reasonably prevented or accommodated the situation.
2. **Explain** how the circumstances had a significant and demonstrable negative effect on your ability to study or take an assessment.
3. **Show** how the timing of the difficulty is relevant to the assessment you are claiming for.

Applications for mitigating circumstances should only be made for genuinely serious situations and when these situations affect your ability to prepare for or take an assessment. For example:

- Experiencing a significant illness yourself
- Experiencing a bereavement
- Being a victim of a crime or
- The sudden significant illness of a close family member

## 3. EVIDENCE

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You will need to provide suitable, relevant evidence to support your application. If you cannot provide evidence of your circumstances when you make your application, you need to tell us what evidence you plan to provide and confirm that you have requested it.

We will normally expect you to provide evidence to support your application within 10 working days of the original claim. If you think that it may take longer than 10 working days to provide your evidence, please explain why on your application. **Remember that your application cannot be processed until you provide evidence of your circumstances. Claims that do not contain supporting evidence after 10 working days are unlikely to be considered.**

Please note that if you are requesting an extension to an assessment deadline, it is an application and therefore it is not guaranteed. If an extension is granted, the length of the extension is determined by the panel. You should continue to work on your assessment if you can and submit it as soon as you can.

## REQUESTS TO DEFER AN EVENT ASSESSMENT (EG. AN EXAMINATION)

If you think that you are not going to be able to take your assessment at the normal time because you have been affected by mitigating circumstances, you can request a deferral of the assessment. Try to apply early if you can so that you know what the outcome is before the assessment takes place. If your application is successful, you will have the opportunity to take the assessment at a later date (normally in the resit period) with access to the full range of marks (this means that your mark will not be capped).

However, you should think about this carefully as there is only one resit opportunity within each run of the module. This means that if you don't take your assessment during the normal assessment period, you will need to pass it first time at the next opportunity (for examinations, this is likely to be in the resit period). If you don't pass the rearranged assessment, your only option may be to retake the module. There is normally an additional charge to retake a module and it may mean that it takes longer for you to complete your studies.

## **4. WHY DO I NEED TO PROVIDE EVIDENCE?**

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The evidence is needed for you to demonstrate that the circumstances you face are genuine and to enable the Mitigating Circumstances Panel (MCP) to understand your situation fully.

Sadly, it is the case that some students attempt to falsify evidence or mislead the College by misrepresenting their personal circumstances. Any attempt to claim mitigating circumstances fraudulently will be identified and disciplinary action taken.

## **5. WHAT EVIDENCE SHOULD I PROVIDE?**

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For extensions of more than one week, or in relation to an examination, it is essential that you provide full and sufficient evidence to support your request. A decision can only be made on the basis of information provided by you. The evidence should:

1. Confirm the circumstances which have affected you; **and**
2. Be written in English; **and**
3. Be from an independent and authoritative third party; **and**
4. Confirm the start and end dates when you were affected by mitigating circumstances.

As noted above: there are many types of circumstances that meet the definition of mitigating circumstances and so the types of evidence will vary too. For example, a doctor to confirm illness, a police report to confirm a crime, a police report to confirm a crime, or an employer to confirm exceptionally heavy workloads for part-time students.

There might also be more than one way in which you can provide evidence. For example, if you have been affected by bereavement you might be able to provide either a note from a counsellor as evidence, or evidence of the bereavement itself such as a death certificate.

If you have a disability memo supplied by Disability Services, please also submit this as part of your claim.

In all situations the evidence must be written and in English. If the evidence is not written in English, you must arrange for a translation. The College will check that translations are genuine.

The person providing the evidence must be independent and authoritative. Independent means that they are not personally connected with you in any way and might therefore be biased. Authoritative means that they are a recognised expert for the evidence they are providing. For example, a relative cannot provide evidence of the impact of an illness on you, even if they are a medical professional, as they would not be independent.

The regulations also require evidence to be a document of some kind. It is not possible to take verbal evidence or to receive representations in person.

## 6. WHEN DO I MAKE A REQUEST FOR AN EXTENSION TO A COURSEWORK DEADLINE?

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Your request should be made BEFORE a coursework submission deadline. Requests made on time are considered by the Module Leader (for coursework extensions up to one week), or a small panel (for other categories).

## 7. IF MY REQUEST IS ACCEPTED, WHAT WILL HAPPEN?

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If we accept that you have been affected by mitigating circumstances, in most situations you will be given:

1. An extension to a coursework deadline of up to five weeks where possible; **or**
2. An opportunity to take an in-class test, presentation, exam etc on another occasion; **or**
3. An opportunity to re-take an entire module.

We will never simply give you extra marks. The point of accepting your performance has been affected by mitigating circumstances is to give you another opportunity to take the assessment when you aren't affected by mitigating circumstances.

There are four categories of request:

1. Request for a coursework extension of up to 1 week.
2. Request for a coursework extension of 1 to 5 weeks and/or an alternative opportunity to do an in-class test, presentation etc.
3. Request for late application after the assessment deadline.
4. Request for re-assessment (re-sit or re-take) in the affected assessment or examination.

Until the evidence is received your request cannot be considered.

It is your responsibility to read this guidance fully before submitting a request for mitigating circumstances to ensure you make a complete application.

## 8. HOW DO I APPLY FOR MITIGATING CIRCUMSTANCES FOR EXTENSIONS OF UP TO ONE WEEK?

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Request for up to 1 week are made directly to the course leader.

All requests must be made using the Solihull College Mitigating Circumstances Forms. These are located on your course Moodle Page.

For extensions of up to one week, it is not essential for you to provide evidence as you will normally be able to self-certify your circumstances, but a Module Leader can ask for evidence if they feel that to be necessary. You should still provide evidence if you can.

## 9. HOW DO I APPLY FOR OTHER CATEGORIES OF MITIGATING CIRCUMSTANCES?

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Requests of more than 1 week are made directly to the HE Mitigating Circumstances mailbox.

All requests must be made using the Solihull College Mitigating Circumstances Form. This is located on your course Moodle Page.

Email the form, **along with your evidence** (or evidence you plan to submit within 10 working days, if currently unavailable) to **HE.Mitigating.Circumstances@solihull.ac.uk** and copy in your Course Leader.

Incomplete forms will be returned to you.

## 10. MIGHT I BE ASKED TO PROVIDE MORE EVIDENCE IF I DON'T PROVIDE ENOUGH?

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No. You must submit all your evidence in one go and will not be able to submit more evidence later.

You must make sure you provide full and sufficient evidence to demonstrate that the difficult circumstances you face are genuine and also the full extent of those circumstances. You must provide this evidence by the deadline for requesting mitigating circumstances. The decision will be made on the basis of the evidence you provide alone.

## **11. CAN I SAY “CONTACT ME IF YOU NEED MORE EVIDENCE” IN MY APPLICATION?**

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No. As already noted, you must make sure you provide full and sufficient evidence with your application.

## **12. WHEN DO I MAKE A REQUEST RELATING TO AN EXAMINATION?**

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Most of our Universities operate a “Fit to Sit” Policy. If you are taken ill during an examination the invigilator will note this and you will be able to refer to this as part of your mitigating circumstances request.

You must notify your Course Leader if you are going to be unable to sit an examination. In most circumstances you will have to sit the examination at a later date – and this may delay your completion of the course.

For examinations, you need to submit your request to the full Mitigating Circumstances Panel (MCP), which meets just before the relevant Examination Committee.

## **13. WHAT IF MY REQUEST IS LATE?**

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If you’ve missed a coursework deadline, you should still submit your work as soon as possible. You should also submit a request for mitigating circumstances, which will be considered by a sub-group of the MCP.

If you’ve missed the deadline for consideration at an MCP, you should still submit your request and explain why you missed the deadline, in addition to your request for mitigating circumstances.

In both cases, if it is accepted that you have a valid reason as to why you were unable to meet the deadline, your request will be considered.

## **14. WHAT EVIDENCE DO I NEED TO PROVIDE WITH LATE APPLICATIONS?**

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If you are submitting a late application, then you will also need to provide evidence as to why you could not apply by the relevant deadline and at no point before the time when you did submit your claim. This evidence needs to comply with all of the same rules described above.

When a late request is received, the first question asked is whether there were circumstances beyond your control which prevented you from submitting your claim, and any supporting evidence, by the relevant deadline and up to the point at which you did submit your claim.

Only if it is accepted that you did have a valid reason for not making your claim on time, and only making your claim when you did, will it then be considered against the criteria for Mitigating Circumstances. It is therefore possible that you could have been affected by Mitigating Circumstances but that your late request means these cannot be considered.

## **15. MITIGATING CIRCUMSTANCES RELATING TO DISSERTATIONS, WORK-BASED PROJECTS, FINAL YEAR PROJECTS CLASSED AS 6 MONTHS OR LONGER ASSESSMENT DEADLINES**

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It is expected that students will be working on their dissertations or final year projects with their allocated supervisors and submitting their draft chapters as evidence of their engagement.

This evidence will be included when considering a mitigating circumstances request towards a final year project or a dissertation. In cases, where this evidence is not conclusive, the extension period requested dependent on the evidence submitted with the application, could be reduced to a maximum of one-two weeks. Some Awarding Bodies could request a change in the dissertation or work-based project title. Please liaise with your Course Leader on your Awarding Body requirements.

## **16. WHAT IF I NEED MORE HELP OR ADVICE?**

If you need more help or advice, please contact your Personal Tutor or Course Leader.



## MITIGATING CIRCUMSTANCES FLOW CHART

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