1.0 **Introduction**

1.1 As a student you are responsible for managing your learning and assessment activities throughout your study at the Education Centre; it is recognised that occasionally illness or difficult circumstances arise but it is believed that this is part of normal life and should be managed by students to enable them to continue with their studies accordingly.

1.2 However, where prolonged illness or exceptional circumstances arise, the Education Centre operates a policy under which mitigating circumstances are recognised and appropriate action taken to ensure that your academic performance is not adversely affected by these circumstances.

1.3 The principles governing the mitigation process are that it should be:

- **Clear** – the claim form and process should be easily understood by all staff and students.
- **Timely** – any mitigation claim should be dealt with at the relevant assessment point.
- **Fair** – by dealing with claims under the same central system, decisions will be made by a mitigation panel, who follow guidance laid down in the mitigation policy. Assessment Boards will review all mitigation requests to ensure consistency and parity.
- **Confidential** – only staff who are directly involved in the process will have knowledge of the mitigation request.

If you choose not to notify the Education Centre of mitigating circumstances at the time that they affect assessment, it is highly unlikely that any retrospective allowance will be made through the appeal process.

1.4 It is important to understand that in considering your mitigating circumstances the Education Centre cannot make an academic judgement on the extent to which your performance in assessment has been affected. For this reason, if mitigation is agreed action taken will take the form of either, an extension or intermission.

1.5 Circumstances which applied before you enrolled on the course, or which have developed during the course but are on-going (such as responsibility as a carer) are not recognised as mitigating circumstances within the context of this policy. You are expected to manage life circumstances, and in enrolling for your course, you are
indicating that you are able to commit sufficient time to it. If you have experienced a change in circumstances you should contact your Programme lead/assessor for further discussion.

1.6 Students are required to back up their work and therefore if you experience computer failure loss or assignment data or external storage, this will not normally be considered as grounds for mitigation.

2.0 Essential rules governing the process

You are seeking mitigation for yourself and whilst staff will provide help and support, it is ultimately your responsibility to make a mitigation claim.

2.1 If you wish to claim mitigation you should contact the programme lead/assessor prior to the assessment deadline.

2.2 Any claim must be submitted prior to the unit assessment deadline with a fully completed mitigation form and backed by appropriate evidence.

2.3 Evidence is needed to support any claim. Medical evidence must confirm a medical condition that is current and so a doctor’s note that indicates you were seen after the illness occurred, and does not include a professional diagnosis, will not be accepted as evidence. A report from a professionally qualified counsellor will normally be required to support a claim of personal crisis.

Using evidence from a third party and GDPR

2.4 It may be that it is the illness or crisis of a close relative that is impacting upon your performance. If this is the case it is important to show how the situation has affected you. If you do need to provide evidence giving personal details about a third person, you should ensure that you are using their information in line with General Data Protection Regulation (GDPR). This means that you must ask permission from the person, explain to them how their information will be used (see Section 9.0 below) and ask them to sign a statement on the mitigation form.

3.0 Requests for extensions

3.1 If you wish to apply for an extension, a formal claim must be submitted to the programme lead or assessor using the mitigation form and the production of appropriate evidence. This claim must be received prior to the assessment deadline.

3.2 It should be noted that the extension should match approximately the number of days lost due to illness or other reason as indicated by the evidence provided.

3.3 The Programme lead/assessor will review the form and supporting evidence. If fully satisfied with the claim, they should sign the form to signify their support and pass the form to the mitigation panel for review of the claim.

3.4 No claim will be accepted by the mitigation panel unless it has been correctly completed and evidence has been provided.

3.5 The mitigation panel will review the claim to ensure clarity of information, appropriateness of claim in terms of the evidence provided, and consistency with claims from students in other courses. Further clarification may be sought from the student as required.
3.6 A claim for mitigation should be made in agreement with the Programme lead/assessor. If the Programme lead/assessor does not support you in making a claim, you may present the completed form and evidence to the mitigation panel such claims will only be considered by a full meeting of the Mitigation panel.

4.0 Requests for action other than an extension

4.1 It is anticipated that an extension of time in which to complete outstanding work will resolve the majority of claims under the mitigation process; however, circumstances may be such that an extension is not the most appropriate way to resolve the situation or that the extension requested would take the student beyond the progression date to the next stage in their qualification and assessment board deadlines.

4.2 A formal claim must be submitted to the Programme lead/assessor using the mitigation form and the production of appropriate evidence. This claim must be received prior to the deadline for the relevant Mitigation panel.

4.3 The Programme lead/assessor will review the form and supporting evidence. If fully satisfied with the claim, they should sign the form to signify their support and pass the form to the mitigation panel.

4.4 The Mitigation panel will review the claim to ensure clarity of information, appropriateness of claim in terms of the evidence provided, and consistency with claims from students in other courses. Further clarification may be requested as required.

4.5 The Mitigation panel will consider the request and the student will be notified of the outcome by the Programme Lead. For the operation of the Mitigation panel, see Section 8 below.

5.0 Decisions under the mitigation process

5.1 When evaluating a mitigation claim, the following will be taken into consideration:

- The severity and the timing of the circumstances alleged.
- The appropriateness of the evidence provided.
- The extent to which the circumstances would have affected the assessment indicated in the claim.
- The extent of work affected by the mitigating circumstances and the implications of any extension of time or other requested action on the whole assessment portfolio.

5.2 In order to ensure parity of treatment for all students, decisions will always be made in the light of past practice with regard to similar claims.

5.3 The Education Centre has a duty of care for its students; the decision taken on a mitigation claim will ensure that a realistic timeframe is agreed which enable a student to complete outstanding assessment requirements without undue pressure. Where there is clear evidence of mitigating circumstances that has been affecting you over a lengthy period of time, this may mean that you are recommended to intermit and complete studies in the following academic year.

5.4 Communication of the decision following a mitigation claim
5.5 Decisions regarding any claim will be communicated to the Programme lead/assessor.

5.6 It will be the responsibility of the Mitigation panel to write to students informing them of the outcome with records stored confidentially in line with GDPR and available when assessment board convenes.

6.0 **Meeting of the Mitigation panel**

6.1 The Mitigation panel chaired by the programme lead will convene upon receiving of a request in line with 4.1 of this policy. The assessment board will:

- Consider any claims submitted by the student (supported or unsupported)
- A review of the process including an analysis of claims by different groupings i.e. length of extension
- Possible changes to any regulations appertaining to mitigation or the mitigation process.

7.0 **Accessing and maintaining records in line with General Data Protection Regulation (GDPR) and monitoring the process.**

7.1 The documentation and records associated with a mitigation claim will only be accessed by staff who are directly involved with the programme.

7.2 A log of claims and decisions will be maintained within Quality assurance database together with the original claim form. This log will be available only to the programme lead/assessor, member(s) of the Mitigation panel making a decision on the claim, and relevant education centre staff.

7.3 Copies of all the documentation will be retained within Quality assurance database and in the student file for five years after which it will be destroyed in line with GDPR.

7.4 The operation of the process will be reviewed by the assessment board on an annual basis. This review will include analysis of claims by ethnicity, gender and disability to ensure that the process meets equality and inclusivity requirements. This will be summary information which does not identify any individual student.

8.0 **Appeals**

8.1 If you are not satisfied with the decision made, you are entitled to appeal the decision to request that your claim is reviewed. You should make this request in writing to the Education Centre Professional Training and Apprenticeships Manager outlining the reasons for the request within 10 days of notification of the decision. If required the Professional Training and Apprenticeships Manager can request a convening of the assessment board.

8.2 You may appeal on the following grounds:

- **8.2.1** That new substantive evidence has become available which is relevant to the case and has material impact such that the outcome may have been affected.

- **8.2.2** That due process was not followed and that this had a material bearing on the outcome of the case.
8.2.3 That the decision of the Mitigation panel was bias, taking into account all the evidence presented.

8.3 The Professional Training and Apprenticeships Manager and an independent member of academic team will conduct a full review of the documentation relating to the case, including all documentation considered by the panel and its decision. He/she will not normally meet with the parties concerned but may request a meeting with the chair of the mitigation panel. The Professional Training and Apprenticeships Manager will reach a judgement on the balance of the evidence, and will either:

- Confirm the original decision
- Uphold the appeal and require the Mitigation panel to reconsider its original decision.

8.4 The Professional Training and Apprenticeships Manager will write to the student to confirm his decision. This will normally be within 10 working days of receipt of the letter of appeal although, as this authority cannot be delegated, there may be occasions where a longer time period is required.

All members of the Education Centre’s Team including staff, students, visitors and contractors have a responsibility to treat others fairly and respectfully regardless of the characteristics which may define their identity. These include the protected characteristics under the Equality Act 2010 which are: Age, Disability, Gender reassignment, Marriage and Civil partnership, Pregnancy and maternity, Race, Religion or belief (including lack of belief), Sex and Sexual orientation. The Education Centre has committed to provide a working and learning environment founded on dignity, respect and equity where discrimination of any kind is treated with the utmost seriousness.

Date of last Policy Review: October 2020

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