



Mitigating Circumstances: Guidance for Students



What is mitigation?

1. Sometimes circumstances or events beyond your control may adversely affect your ability to perform in an assessment to your full potential, or to complete an assignment by the stated deadline. In such cases mitigation may be applied i.e. treating marks or results in a way that recognises the adverse impact that may have resulted from those circumstances or events, or waiving penalties that would ordinarily arise from late submission.
2. Requests for mitigation submitted after the assessment has started, or after the given deadline for submitting an assignment, will not be considered without a credible and compelling explanation as to why the circumstances were not known, or could not have been shown, beforehand.
3. **Mitigation will not result in the changing of any marks.** Instead, mitigation may result in some marks being disregarded and the assessment being excused because it was adversely affected, or the waiving of penalties that would ordinarily arise from the late submission of an assignment. This would not prejudice any further assessment or assignment permitted. Mitigation may also mean treating your borderline fail as a pass; your borderline pass as a merit or your borderline merit as a distinction even though the mark you obtained would not normally be high enough.

Approaching CLT International (CLTI)

4. CLTI will normally grant an extension for self-certified illness up to two weeks prior to the submission date for an assignment. You should seek advice from CLTI if you consider that serious illness or misfortune has adversely affected your ability to complete an assignment within the extended deadline, or if you believe that the results that you might obtain from the assignment will be adversely affected.
5. You should seek advice from CLTI as to whether the adverse circumstances are sufficient to warrant consideration by the Mitigating Circumstances Panel. You should also seek advice as to whether it is in your interest to consider alternative remedies, such as sitting an assessment at the next available opportunity or re-registering to submit the assignment at the next sitting (this will involve completing a new assignment based on a fresh assignment question). In very serious cases you might even be best advised to delay your studies for a period.

Nature of mitigating circumstances

6. In order to qualify for consideration, the adverse circumstances or events must: take place in close proximity to the date of the examination/assignment submission date; be **unforeseeable** or **unpreventable** as far as you are concerned; and be sufficiently disruptive to have a **significant adverse** effect on your academic performance or your ability to complete an assignment by the due date.
7. Circumstances or events that merit consideration may include: suffering a serious illness or injury; the death or critical/significant illness of a close family member or dependant; a significant family crisis leading to acute stress and unplanned absence arising from jury service, or maternity, paternity or adoption leave.

Circumstances or events that would not merit consideration include: holidays or other events that were planned or could reasonably have been expected; assessments that are scheduled close together or on the same day; misreading the timetable for examinations

or otherwise misunderstanding the requirements for assessment; inadequate planning or time management; failure, loss or theft of a computer or other equipment; consequences of paid employment; exam stress or panic attacks not diagnosed as illness; and minor disruption during the course of an assessment.

Claiming mitigation

8. If CLTI confirms that your circumstances merit consideration by the Mitigating Circumstances Panel, you should complete the Notification of Mitigating Circumstances Form. This should be emailed to CLTI (cltinternational@centlaw.com) as soon as possible, together with independent third-party supporting or corroborative documentation. The nature of such documentation will vary according to the nature of the circumstances, but it must be sufficiently independent to confirm the veracity of the case you are making (e.g. a letter or medical certificate signed by a medical practitioner or a document from an outside agency). Information of a confidential nature should be password protected if sent via email.
9. You must submit the application **as soon as possible and always before the beginning of an assessment or the deadline for submitting an assignment** (except for circumstances arising during the course of an assessment or on the day of assignment submission, in which case the application must be made at least two weeks prior to the scheduled date for the release of the results (in time for consideration before the meeting of the relevant Examination Board)). Late requests for mitigation will not be considered without a credible and compelling explanation as to why the application was not made at the appropriate time.
10. The Mitigating Circumstances Panel will need to agree that your circumstances were **unforeseeable** and **unpreventable**, and that the effect on your academic performance/ability to complete the assignment by the submission date would have been significant.

In the case of examinations, if the Mitigating Circumstances Panel agrees that your circumstances fulfil the criteria above it will advise the Examination Board to consider the effect of the circumstances. The Board will then decide how to apply mitigation on the evidence available on your performance. Mitigation will depend on how serious the adverse circumstances were and how far you are from any borderline on the basis of the existing mark; the further you are from a borderline, the more serious the adverse circumstances need to be to change the Board's overall decision. The Board may decide that, notwithstanding the approved mitigating circumstances, the available results provide insufficient evidence of achievement to judge whether you would have demonstrated appropriate learning outcomes. The remedies available may then be restricted to granting permission to re-take an assessment in which performance was severely impaired. Such further assessment would be equivalent to the one affected by the mitigating circumstances, so that you would not forfeit any re-assessment opportunities.

11. Requests made after the publication of results will be treated as appeals under the Appeals Procedure (details of which are in the Assignment/Examination section of the online learning platform), but again there should be a credible and compelling explanation as to why you did not bring the circumstances to the attention of CLTI at an earlier stage.

Version control	
Author:	Clare Moss, Head of Operational Quality CLT International
Version:	2.0
Changes in this version:	Add reference to merit grade, updated to reflect digital processes.
Reviewed and approved for publication by:	Julian Davies, Managing Director CLT International
Document status:	Approved: May 2022
Update cycle:	CLT International will review and where necessary update this policy every 12 months. Next update May 2023.