



## Mitigating Circumstances Policy



## 1. Grounds for mitigation

- (i) CLTI defines mitigating circumstances as unforeseeable or unpreventable circumstances that could have, or did have, a significant adverse effect on the academic performance of a student.
- (ii) Possible mitigating circumstances include:
  - significant illness or injury;
  - the death or critical illness of a close family member;
  - family crises or major financial problems leading to acute stress; and
  - absence for jury service or maternity, paternity or adoption leave.
- (iii) Circumstances that will not be regarded as grounds for mitigation include:
  - holidays, moving house and events that were planned or could reasonably have been expected;
  - assessments that are scheduled close together;
  - misreading the timetable or misunderstanding the requirements for assessments;
  - inadequate planning and time management, including lack of preparation for online examinations;
  - consequences of paid employment; and
  - exam stress or panic attacks not diagnosed as illness.

Events may arise during pregnancy that may constitute mitigating circumstances and these need to be judged on a case-by-case basis. It is recommended that, as a minimum, students take two weeks' compulsory maternity related absence.

## 2. Student procedure for submitting a request for mitigation

- (i) It is the sole responsibility of the student to submit a request for consideration of mitigating circumstances according to the procedures and deadlines. Requests for mitigation should be made by completing a Notification of Mitigating Circumstances Form which must be made available on the online learning platform. Requests for mitigation submitted after the published date for the beginning of an examination period (except as a result of circumstances that have arisen during the course of that assessment period) 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. Requests for mitigation submitted after the results have been released will not be accepted.

A candidate cannot submit the same standalone, individual circumstance as a request for mitigation more than once, unless the candidate can show that the circumstance has exacerbated in some way, or the effects on the candidate have lasted longer than expected.

- (ii) A specifically constituted Mitigating Circumstances Panel will deal with requests for consideration of mitigating circumstances. Its membership will be taken from and approved by the Examination Board; it will be chaired by a member of the Board and serviced by the member of administrative staff responsible for dealing with mitigating circumstances, plus others as necessary. The Mitigating Circumstances Panel will operate by considering documentary evidence, and candidates are not required to attend meetings. Since Mitigating Circumstances Panels will operate under delegated powers from the Examination Board, their decisions will not normally be subject to

review unless some procedural irregularity has occurred. Candidates have no right of appeal against the decision of a Mitigating Circumstances Panel, although they can appeal under the Appeals Procedure, if their appeal meets the grounds included in the Appeal Procedure.

### 3. Approving mitigation

- (i) Mitigating circumstances are considered in three stages. The first stage identifies all the cases that were received after the published deadline for submitting mitigation. If there is no credible and compelling explanation for mitigating circumstances not being submitted prior to the assessment taking place, these candidates should be advised that their claims can not be considered and referred to the guidance on the submission of mitigating circumstances.
- (ii) As the second stage of the mitigating circumstances procedure, the Mitigating Circumstances Panel will determine whether there is substantiated evidence of circumstances eligible for mitigation. It will then decide whether the circumstances might or did have an adverse effect on the candidate's performance and, if so, it will refer the application to the Examination Board. The Mitigating Circumstances Panel should not consider the marks, or the profile of the individual candidates concerned.
- (iii) The final stage is for the Examination Board to consider the effect on the candidate and to apply mitigation accordingly (see section 4 below).

### 4. Applying mitigation

The Examination Board will determine how to apply mitigation given the candidate's assessment results. For each case, the Examination Board will start from the available assessment results and the decision that they imply. The Examination Board may agree that, notwithstanding the approved mitigating circumstances, the available results provide insufficient evidence of achievement to judge whether the candidate would have demonstrated appropriate learning outcomes.

Possible outcomes for mitigation could include:

- (i) *If the affected assessment has been passed at first attempt, the assessment may be retaken in the next possible assessment period, this reattempt will be recorded as their first attempt.*
- (ii) *If the assessment has been failed or missed, it may be retaken in the next possible assessment period, this reattempt will be recorded as their first attempt.*

<b>Version control</b>	
<b>Author:</b>	Clare Moss, Head of Operational Quality CLT International
<b>Version:</b>	2.1
<b>Changes in this version:</b>	Addition of guidance for late mitigating circumstances applications, outcomes of mitigation
<b>Reviewed and approved for publication by:</b>	Julian Davies, Managing Director CLT International
<b>Document status:</b>	Approved May 2022
<b>Update cycle:</b>	CLT International will review and where necessary update this policy every 12 months. Next update May 2023.