



**Fairfield School of Business**

# Mitigating Circumstances Policy

Version 3.0

Approved by Board of Governors

Last Amendment: October 2020

The following sets out how the School's policy and procedures for considering mitigating circumstances that have affected a student's performance in a summative assessment or prevented them from undertaking it.

NB: Procedures vary depending on the awarding body for the programme sought. Please read the following carefully to ensure the correct procedures are applied.

This policy has been reviewed and developed in line with the *UK Quality Code for Higher Education* and takes on board the Code's accompanying guidance on Assessment. Due regard is also given to the Office of the Independent Adjudicator's *Good Practice Framework*.



## Document Information

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\*The document owner is responsible for maintaining and updating the content of this document and ensuring that it reflects current practice at the School.

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## 1. Definition

- 1.1. The School defines 'mitigating' circumstances as being any circumstances which were not within the foresight and control of the student and which the School believes might adversely affect the academic performance of a student during the assessment period for which they are claiming.
- 1.2. Mitigating circumstances may include, but are not limited to:
- a short-term severe illness or injury
  - onset of a serious medical condition
  - family or care emergency
  - bereavement
  - trauma
  - being a victim of a serious crime
  - a requirement to fulfil a public duty (such as undertaking jury service or assisting with a policy enquiry)
- 1.3. It is the School's aim to ensure that, as far as possible, such unforeseen circumstances do not affect students' grades or achievements.
- 1.4. Generally, this policy would not apply to the following:
- i. Students affected by permanent or long-standing illnesses, disabilities or learning difficulties; this is because students will have been expected to have registered their impairment with the School and, where appropriate, will have an individual plan to support their studies in accordance with the [Reasonable Adjustments Policy](#). However, the School may consider an acute episode or worsening of their condition which means that the reasonable adjustments in place are no longer sufficient, in which case this policy will be used.
  - ii. Students' absence or lateness from classes; separate procedures should be followed if students are late to lessons or unable to attend them for any reason; guidance will be given to students upon enrolment to the School.

### **'Fit to Sit' Policy**

- 1.5. Generally, by submitting coursework, sitting an examination, or participating in any other form of assessment (e.g. giving a presentation), a student is taken to be confirming that they are fit to submit/sit the assessment concerned and any mitigating circumstances claim in respect of that assessment will be deemed invalid unless:
- i. there is clear evidence that the student was not in a fit state to decide whether they were fit to submit/sit the assessment concerned, or



- ii. there is clear evidence that the student became ill during an exam, class-test, presentation etc. and was not in a fit state to continue, or
- iii. in the case of an examination or presentation, there was substantial disruption to the assessment environment during the assessment that affected the student's ability to do their best work.

1.6. The School does not usually make concession under this policy for students affected by travel disruption or IT problems; however, some exceptional cases may be considered on a case-by-case basis.

*The Appendix of this document gives examples of reasons that are generally considered as mitigating circumstances, reasons that may be considered and reasons that are not likely to be considered. It also provides examples of typical evidence that would need to be submitted to substantiate a claim for mitigating circumstances.*

## 2. Scope

2.1. It is important to note that FSB's awarding bodies each have separate regulations and guidelines for processing mitigating circumstances claims; FSB will process mitigating circumstance claims in accordance with the regulations set out by the programme's awarding body.

## 3. Principles

3.1. The School will observe the following principles in handling all claims of mitigating circumstances:

- i. The School will seek to preserve the integrity of assessments and ensure fairness to other candidates undertaking the same assessments.
- ii. A Mitigating Circumstances Panel will consider each claim with consideration of genuine, verifiable evidence; its recommendations will be ratified by the Examination Board.
- iii. The School will be mindful when requesting such evidence and only request what is needed to confirm the student's claim; all evidence provided, which may contain sensitive personal information, will be treated in the strictest confidence and in accordance with the School's [Data Protection Policy](#).



- iv. The School will be vigilant to repeated issues, patterns or claims which indicate a need to provide a student with additional study support under another policy (such as reasonable adjustments) or would require an assessment of a student's ongoing fitness to study.
- v. No student will be penalised for having made a claim for mitigating circumstances, regardless of whether it is approved or rejected, provided that claim has been made in good faith.
- vi. Where a claim is rejected, students will be notified of their right to request a review of the decision through the School's Appeals Policy, and the grounds on which they may do so.

## 4. Procedure

- 4.1. Students who believe that they have experienced mitigating circumstances (as defined in 1.2) should complete the relevant Mitigating Circumstances Form as soon as the mitigating circumstances arise and before the relevant assessment deadline. The Mitigating Circumstances Forms for Pearson Edexcel (HND) and London Metropolitan University (Fda/FdSc and BA/BSc) programmes can be obtained via FSB Connect or may be requested from the Registry ([registry@fairfield.ac](mailto:registry@fairfield.ac)).
- 4.2. The deadline for the submission of any mitigating circumstances claims depends on which awarding body the student's programme is regulated by. These deadlines are communicated to students within their academic calendar accessible via FSB Connect or directly via student emails and bulletins. Please note that:
  - For all Pearson Edexcel regulated Higher National programmes (HNDs), any mitigating circumstances claims must be submitted by the relevant published assignment submission deadline.
  - For all London Metropolitan validated programmes (Fda/FdSc or BA/BSc), any mitigating circumstances claims may be submitted up to 2 weeks after the published assignment submission deadline or exam date.
- 4.3. When completing their Mitigating Circumstances application, students should ensure that all information is clearly provided and evidenced; failure to do so may result in the application being rejected.
- 4.4. Any student who is unable to submit a mitigating circumstance claim by the relevant deadline will within 48 hours of that period, submit a written declaration of intent to do so with either the registry or student support, who may impose a time limit for the submission of the full claim. Any mitigating circumstances claim submitted beyond these limits must include reasons and independent evidence showing why, through no fault on the part of the student, the request could



not have been made within the time limit. If, in the opinion of the relevant Officer, these reasons are not valid, the mitigating circumstances claim will be rejected summarily, and the student will be informed in writing of the reasons. Any such decision will be made within two working days of receipt of the mitigating circumstances claim.

- 4.5. Mitigating Circumstances Forms submitted after an assignment deadline will be considered in exceptional circumstances only.
- 4.6. Students should attach appropriate evidence to support their mitigating circumstances claim (See Appendix for a list of evidence requirements). Students should note that any claim supported by false documentary evidence shall be deemed invalid and may result in the claimant being subject to disciplinary proceedings.
- 4.7. Students may also attach work they have carried out on their assignments (so far) in the form of drafts, notes or finished documents. This may help the Mitigating Circumstances Panel to determine whether a student could reasonably have been expected to adequately complete an assignment before the deadline.
- 4.8. On receipt of a timely claim for mitigating circumstances, the Mitigating Circumstances Panel will carefully consider the case along with the evidence provided and assignment work completed to date and make one of the following decisions:
  - i. That the circumstances recorded did not materially affect the student's performance. Where claims are in respect to non-attendance at an examination or non-submission of an assignment, a mark of zero will be awarded in the component concerned. However, if the claim relates to a first assessment, a student shall have the opportunity to undertake reassessment in the component concerned.
  - ii. That the circumstances recorded did materially affect the student's performance, thus the student will be given the opportunity to be assessed at the next assessment point in the component(s) in question. This assessment shall replace the opportunity to which the mitigating circumstances claim pertained.
- 4.9. Any extensions, resubmission or resit opportunities will be determined in accordance with the programme's assessment regulations and ratified at the next available assessment board.
- 4.10. **Any assignment not submitted by the deadline and not documented in a Mitigating Circumstances Form will be treated as a non-submission.**
- 4.11. The Registry Office will be responsible for relaying to the students the decision taken by the Mitigating Circumstances Panel where a claim has been submitted. The process time for this differs dependent on the awarding body:



- a. For all HND (Pearson Edexcel) programmes the students will be notified of the outcome of their claim within 48 hours of the Mitigating Circumstances Panel's decision.
- b. For all Fda/FdSc/BA/BSc (London Metropolitan University) programmes the students will be notified of the outcome of their claim within 1 month of FSB receiving the Mitigating Circumstances Claim.

## 5. Review of Rejected Claims

- 5.1. Students have the right to appeal the decision of the Mitigating Circumstances Panel through the School's [Appeals Policy and Procedure](#), which sets out how official decisions made by the School that affect a student's academic standing may be challenged; this includes a student's right to appeal to the awarding body and the Office for Independent Adjudicator (OIA), where it can be shown that the School has not followed these procedures correctly.

## 6. Further Considerations

- 6.1. Students should be aware that a Mitigating Circumstances request may cause delays with re-enrolment or progression. As such, students are advised to seek guidance from the Registry ([registry@fairfield.ac](mailto:registry@fairfield.ac)) where in doubt.
- 6.2. The Mitigating Circumstances Panel will be considerate of cases where the substance of mitigating circumstances claims, or repeated claims of a similar nature, indicate an ongoing problem for which the student may need additional study support under another School policy, or which may warrant an assessment of their continued fitness to practice. In such circumstances the Panel will make referrals accordingly, and in consultation with the student.

## 7. Review and Update

- 7.1. This policy will be reviewed annually; changes to it will be ratified by the School's Board of Governors.

## Appendix: Table of Acceptable Mitigating Circumstances and Evidence Requirements

The below table shows examples of mitigating circumstances and the evidence requirements. All mitigating Circumstances claims are decided on an individual basis with reference to other contextual information; the below table should serve as a guide only.

	Accepted Mitigating Circumstances	Supporting Evidence	Generally unacceptable
<b>Medical</b>	<ul style="list-style-type: none"> <li>Acute short-term illness (e.g., Influenza, norovirus, food poisoning)</li> </ul>	<ul style="list-style-type: none"> <li>Written evidence from a Registered medical practitioner / GP fit note</li> </ul>	<ul style="list-style-type: none"> <li>Minor ailments (e.g. coughs, mild colds, sore throat, hay fever, etc.)</li> <li>Sleep loss / oversleeping</li> </ul>
	<ul style="list-style-type: none"> <li>Serious physical injury incurred near to assessment period.</li> </ul>	<ul style="list-style-type: none"> <li>Written evidence from a registered medical practitioner</li> </ul>	<ul style="list-style-type: none"> <li>Minor accidents or injuries (e.g. small cuts, bruises, sprains)</li> </ul>
	<ul style="list-style-type: none"> <li>Onset of severe physical or mental health condition</li> </ul>	<ul style="list-style-type: none"> <li>Written evidence from a registered medical practitioner</li> </ul>	<ul style="list-style-type: none"> <li>Generic exam/assignment stress</li> <li>Long-term physical or mental health condition for which reasonable adjustments have already been made (except where acute episode or worsening of their condition which means that the reasonable adjustments in place are no longer sufficient)</li> </ul>
	<ul style="list-style-type: none"> <li>Complications with pregnancy or late stage of pregnancy (e.g. imminent childbirth – partners of pregnant women may be included)</li> </ul>	<ul style="list-style-type: none"> <li>Written evidence from a registered medical practitioner</li> <li>Birth certificate</li> </ul>	<ul style="list-style-type: none"> <li>Pregnancy in and of itself: Students should consult the School's <i>Pregnant Students and Students With Very Young Children Policy</i></li> </ul>
	<ul style="list-style-type: none"> <li>Long standing hospital / surgical appointment</li> </ul>	<ul style="list-style-type: none"> <li>Letter form hospital / medical centre confirming time and date of consultation / procedure.</li> </ul>	<ul style="list-style-type: none"> <li>Routine medical appointment (e.g. non-emergency GP visit, dentist, optician, physiotherapy, etc.)</li> </ul>



	Accepted Mitigating Circumstances	Supporting Evidence	Generally unacceptable
<b>Bereavement</b>	<ul style="list-style-type: none"> <li>Loss of a parent, (including stepparents and legal guardian) child, siblings, spouse or common law partner.</li> <li>Death of close relative or friend</li> </ul>	<ul style="list-style-type: none"> <li>Death Certificate</li> </ul>	<ul style="list-style-type: none"> <li>Death of a pet</li> <li>Death of a public figure / celebrity</li> </ul>
	<ul style="list-style-type: none"> <li>Attending funeral for any of the above persons</li> </ul>	<ul style="list-style-type: none"> <li>Order of Service (if available)</li> </ul>	
<b>Academic</b>	<ul style="list-style-type: none"> <li>Disruption to examination conditions / environment</li> <li>Administrative failing attributable to the School (e.g. incomplete assessment instructions, wrong exam paper given).</li> </ul>	<ul style="list-style-type: none"> <li>Corroboration from invigilator / administrator</li> <li>Invigilator report</li> <li>Original assessment materials provided</li> </ul>	<ul style="list-style-type: none"> <li>Misreading examination or timetable or rubric</li> <li>Misinterpreting assessment deadline</li> <li>Submitting the wrong assignment in error or in the wrong format</li> <li>Poor time management</li> <li>Group coursework tasks – failure by one member of the group to submit work or undertake the tasks assigned by the group; this will be taken into account in the marking guidelines</li> </ul>
<b>Personal commitments</b>	<ul style="list-style-type: none"> <li>Family / care emergency</li> <li>Work emergency</li> </ul>	<ul style="list-style-type: none"> <li>Written evidence from a registered medical practitioner / solicitor</li> <li>Corroboration form employer</li> </ul>	<ul style="list-style-type: none"> <li>Normal work commitment</li> <li>Holidays</li> <li>Participation in sporting activities</li> <li>Routine work commitments</li> <li>Domestic events (e.g. wedding,</li> <li>Participation in public demonstrations / political rally</li> </ul>
<b>Exceptional financial or accommodation problems</b>	<ul style="list-style-type: none"> <li>Eviction / being made homeless</li> </ul>	<ul style="list-style-type: none"> <li>Notice of eviction</li> </ul>	<ul style="list-style-type: none"> <li>Problems with accommodation</li> <li>Building/decorating work in progress</li> <li>Moving to a new house</li> </ul>



	Accepted Mitigating Circumstances	Supporting Evidence	Generally unacceptable
<b>Victim of crime / traumatic personal event</b>	<ul style="list-style-type: none"> <li>• Victim of serious crime or domestic abuse (e.g. rape, assault, mugging, terrorist incident)</li> <li>• Theft or destruction of work required for submission.</li> <li>• Serious fire in residence</li> <li>• Affected by natural disaster</li> <li>• Family breakdown (such as divorce)</li> </ul>	<ul style="list-style-type: none"> <li>- Written corroboration of the reported crime from Police or other investigating authority</li> </ul>	<ul style="list-style-type: none"> <li>• General domestic / family problems</li> </ul>
<b>Public Duty</b>	<ul style="list-style-type: none"> <li>• Attendance at court or tribunal as a witness, plaintiff or defendant</li> <li>• Jury duty</li> <li>• Assisting with police enquiries</li> </ul>	<ul style="list-style-type: none"> <li>- Official correspondence from</li> <li>- Court of Tribunal Authority</li> </ul>	<ul style="list-style-type: none"> <li>• Attendance at court as spectator</li> </ul>
<b>IT Problems</b>	<ul style="list-style-type: none"> <li>• Failure of School IT equipment at critical time</li> </ul>	<ul style="list-style-type: none"> <li>- Corroboration from IT Officer</li> </ul>	<ul style="list-style-type: none"> <li>• Minor computer problems including failure to save documents properly</li> </ul>
<b>Transport</b>	<ul style="list-style-type: none"> <li>• Involved in road accident</li> <li>• Severe travel disruption (e.g. stuck on broken down train – unable to alight)</li> </ul>	<ul style="list-style-type: none"> <li>- Insurance report</li> <li>- Online transport updates</li> </ul>	<ul style="list-style-type: none"> <li>• Transport strikes</li> <li>• Delayed trains or traffic jams</li> <li>• Personal transport problems (car break-down)</li> </ul>

## Version History

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Quality Audit Manager

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