Mitigating Circumstances Policy and Procedure for Higher Education Programmes

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Document title: Mitigating Circumstances Policy and Procedures for Higher Education
Owned by: Director of Curriculum: Higher, Technical and Professional

Committee approving: HE Academic Board

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This Policy and Procedures document has no supporting procedures

This policy links to the following other policies

HE_03 HE Academic Appeals Policy
QC_03 HE Academic Misconduct Policy
HE_10 Assessment Policy for Open University Programmes Single Equality Scheme
HR_16 Staff Code of Conduct and Malpractice Policy
QC_03 Malpractice and Maladministration Policy

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1. PURPOSE

1.1. This policy and procedure is designed to enable a consistent and fair approach when higher education (HE) students make an application to have circumstances taken into account that may have impaired their ability to complete or submit assessed work or attend an assessment opportunity. Circumstances that have been considered and accepted to have caused such detriment are deemed to be Extenuating Circumstances (ECs).

1.2. This policy is also to be used in cases where a student's circumstances are judged to be so severe that they should take a break from study. This is known as an Deferral.

2. SCOPE

2.1. This policy and procedure applies to HE students at the University Centre, including those on Open University-validated programmes (FD and BA (Hons) programmes) and Pearson Awarded Higher National awards (HNC and HND).

2.2. HE students on University of Huddersfield-validated programmes are subject to the regulations of the University of Huddersfield.

2.3. For the purposes of this policy and procedure, 'assessed work' or an 'assessed component' refers only to work that a student completes in order to achieve credit. This policy does not apply to any other work undertaken.

2.4. This policy and procedure should be read in conjunction with the Assessment Policy for Higher Education Programmes.

DETAILS OF POLICY

3. EXTENUATING CIRCUMSTANCES

3.1. The University Centre recognises that students may suffer from a sudden illness, life event, or other serious and unforeseen event or set of circumstances, which adversely affects their ability to complete or submit an assessed piece of work or prevents attendance at an assessment opportunity.

3.2. For such circumstances to be formally registered as Extenuating Circumstances (ECs) the procedure outlined in this policy must be completed.

3.3. Circumstances will not be formally registered as Extenuating Circumstances if they:

3.3.1. have not been included on an application for ECs, or

3.3.2. have been included but not substantiated with reasonable evidence, or

3.3.3. have not been considered by the EC Panel, or

3.3.4. have been considered by the EC Panel and rejected.

3.4. Students without Extenuating Circumstances will be subject to the normal assessment process as detailed in the Assessment Policy for Higher Education Programmes.

3.5. The Assessment Policy also provides that in exceptional circumstances a short, discretionary extension of up to five working days may be granted where circumstances warrant it (see paragraph 2.4). This provision may be preferable if it is considered that the circumstances are short-lived and the student's ability is impaired for only a brief period. Receiving a discretionary extension will not prevent a student subsequently successfully applying to have their circumstance(s) registered as ECs, should the circumstance(s) persist.

4. PRINCIPLES

The following principles will guide the consideration of Extenuating Circumstances:

4.1. Within a completed application form the circumstance or set of circumstances must be shown to:

4.1.1. have occurred at the time of the assessment/s, and

4.1.2. be unforeseen, and

4.1.3. not be preventable;

4.2. The application must show that the effect of the circumstance or set of circumstances has been detrimental to the student's ability to complete or submit an assessed piece or of work (component) or to prevent their attendance at a scheduled assessment opportunity;

4.3. A reasonable level of evidence is required to substantiate a students' account of the circumstance or set of circumstances included in an application. Unsubstantiated circumstances cannot be taken into account when considering ECs. For a list of acceptable and unacceptable evidence please see section 6.2;

4.4. Given that a valid completed form with acceptable evidence is received, the Tutor Testimony may be used as contextual information to aid the decision-making process. The Tutor Testimony may not be used in *lieu* of a valid

completed form or acceptable evidence.

4.5. The EC process is for the benefit of students and EC panel members should consider applications with a view to supporting a student's opportunity for achievement where detriment has arisen. However, where applications are incomplete, or submitted without any evidence, or substantially lacking in fundamental aspects, the EC Panel can reject an application;

4.6. A decision may be deferred to the Board of Examiners in cases where a clear decision cannot be reached on the basis of the application and evidence, allowing more time for further consideration on the part of the EC panel, or further information to be requested from the student;

4.7. Any application for ECs should be submitted on or before the published deadline in order that the details can be considered by the EC Panel prior to the Board of Examiners Meeting. Applications received after the published deadline will not be considered, unless it can be shown that the circumstance or set of circumstances effectively prevented the application from being submitted by the deadline;

4.8. In exceptional cases where credible applications are received after internal and external moderation processes have been completed and the Board of Examiners Meeting has taken place the EC Panel may recommend that retrospective ECs are taken into consideration. This may require the reconsideration of previously agreed outcomes.

5. THE PROCEDURE

5.1. Any application for ECs will be considered on the basis of the information contained in the application form and the attached documentary evidence. Supplementary information will be provided in the form of a tutor testimony including commentary on the student's circumstances, how this has adversely affected the student, the student's attendance, and anything else the tutor deems relevant. (Principle 4.4)

5.2. The ECs application window for each assessment period will close on the published deadline, usually at least two weeks prior to the scheduled Board of Examiners meeting. There will be three scheduled EC Panel meetings during the academic year corresponding with the Semester 1, Semester 2 and Reconvened Board of Examiners meetings.

EC application deadline		
At least one week prior to →	**EC Panel Meeting**	
Valid applications for ECs must be received by this date. Applications received after this date will not be considered at the EC Panel Meeting.	*At least one week prior to* →	**Board of Examiners Meeting**
	Applications are considered by the Panel at the meeting.	The recommendations of the Panel are presented at the meeting.

5.3 Following a valid application by a student the circumstances are considered by the EC Panel. The purpose of the Panel meeting is to consider the application and evidence, according to the principles outlined in Section 4., to determine whether the claim can be accepted as Extenuating Circumstances. If accepted the Panel will make a judgment on the severity of the detriment, and the remedial action required.

5.4 The outcomes that an EC Panel may recommend to the Board of Examiners meeting are as follows

Outcome	**Description**
Outcome A	Very Serious – if the Panel recommends this outcome then the circumstances are deemed serious enough to consider a Suspension of Studies.
Outcome B	Serious enough to warrant remediation – this recommendation usually provides the student with an opportunity to submit the assessed work as though it were their first submission (i.e. without any restriction on the mark available). However, the Board of Examiners can decide an alternative outcome – see paragraph 5.6.
Outcome C	Rejected – after consideration of the application and the evidence the Panel have found that Extenuating Circumstances should not be granted. No further action is taken.
Deferred decision	More time or information is required to make a decision – in accordance with paragraph 4.6 the Panel may recommend that the decision be deferred to allow more time for consideration or further information to be requested.

5.5 Outcomes of all valid complete applications for ECs shall be reported and minuted at the Board of Examiners Meeting.

5.6 In accordance with the *Regulations for Validated Awards of The Open University*, after recommendations have been presented at the Board of Examiners meeting, the Board will decide whether to:

	Section F Paragraph 24.6:	***Description***
(a)	Provide a student with the opportunity to take the affected assessment(s) as if for the first time, allowing them to be given the full marks achieved for the examination or assessment, rather than imposing a cap*	*Usually applied after Outcome B has been recommended. This will be the usual remediation applied when ECs have been accepted.*
(b)	Waive late submission penalties	*This could be applied in the case that assessed work was submitted late and the applicable penalties imposed, but ECs have since been retrospectively applied (see paragraph 4.8).*
(c)	Determine that there is sufficient evidence of the achievement of the intended learning outcomes from other pieces of assessment in the module(s) for an overall mark to be derived	*This would only be applied in exceptional circumstances at the discretion of the Board of Examiners.*
(d)	Note the accepted extenuation for the module(s) and recommend that it is taken into account at the point	*This would be applied in the case that ECs had been retrospectively applied after the assessed work had been submitted and passed. Rather than giving a further submission opportunity, this would require the Board of Examiners to consider the ECs when deciding a final classification,*

	of award and classification	*especially if the aggregated mark falls on the borderline between classifications.*

*In this case, in accordance with the *Regulations for Validated Awards of The Open University:*

24.7. The Board of Examiners, depending on the circumstances, may exercise discretionin deciding on the particular form any reassessment should take. Options are:

7 *A* viva voce *examination;*
8 *Additional assessment tasks designed to show whether the student has satisfied HE*
9 *programme learning outcomes;*
Review of previous work

10 *Normal assessment at the next available opportunity.*

The student will not be put in a position of unfair advantage or disadvantage: the aim will be to enable the student to be assessed on equal terms with their cohort.

6. CIRCUMSTANCES AND EVIDENCE

6.1. A list of what are acceptable and unacceptable circumstances is shown in the table below. However, this list is not exhaustive and each application will be considered on its own merits.

Acceptable circumstances	**Unacceptable circumstances for ECs**
• Bereavement • Long-term illness • Hospitalisation • Victim of Crime • Transport cancellation • Court attendance • Traumatic incident • Serious family illness (for example, if a student took on caring responsibilities or their pre-existing caring responsibilities substantially changed) • Accident • External event organised by a	• A holiday • A wedding • A family celebration • Printing problems • Technical problems, such as computer failure, corrupted USB sticks, or other issues • Financial problems • Work-related problems • Pressure or anxiety associated with assessment preparation or exams • Accommodation issues • Criminal conviction

governing or professional body that requires a student's representation	• Misreading or misunderstanding assessment arrangements

6.2. For each circumstance, the expected evidence is outlined in the table below. The list is not exhaustive and there may be other forms of valid documentary evidence that supports the circumstance.

Circumstance	Expected evidence
1. Bereavement	Funeral order of service or Death Certificate
2. Long-term illness	Doctor's note(s), medical appointment letter(s), discharge letter from hospital
3. Hospitalisation	Hospital appointment letter(s) for operation(s), discharge letter from hospital, other hospital letter(s)
4. Victim of Crime	Crime report and number
5. Court attendance	Confirmation letter – *this may also require a discretionary extension to the assessment deadline*
6. Traumatic incident	Any documentary evidence that supports your account; Doctor's note(s) outlining the impact it has had on you
7. Serious family illness	Medical appointment letter(s), Hospital appointment letter(s), other documentary evidence showing that you have significant caring responsibilities
8. Accident	Any documentary evidence that supports your account; Doctor's note(s) outlining the impact it has had on you

6.3 Where the detriment is short-term and effectively delays or temporarily obstructs completion or submission of assessed work a discretionary extension should be considered. Applying a discretionary extension does not prevent a student subsequently applying for ECs should their adverse circumstances persist.

Circumstances more likely to require a discretionary extension (under provision in 2.5. of Assessment Policy)
Short-term illness Transport cancellation Court attendance

External event organised by a governing or professional body that requires your attendance

7 MONITORING

This will reviewed bi-annually or if any significant changes are made to legislation or policies and procedures that require the information to be updated.

8 RELATED POLICIES/PROCEDURES/DOCUMENTS

Academic Appeals Policy
Academic Misconduct Policy
Assessment Policy for Open University
Programmes Single Equality Scheme
Staff Code of Conduct and Malpractice Policy
Malpractice and Maladministration Policy

9 Membership of the panel
Higher Education Manager
HE Coordinator
Award Leader
Curriculum & Standards Manager (where needed)
Director of Curriculum: Higher, Technical and Professional (where needed)

Track Changes:

Policy: HE_Mitigating_Circumstances_Policy
Change: Version 1 to Version 2
Date: 27th January 2026

Main document changes and comments

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Interruption of Studies

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Deferral

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Director of Curriculum: Higher, Technical and Professional

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Higher Education Manager

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Director of Curriculum: Higher, Technical and Professional (where needed)

Header and footer changes

Text Box changes

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Footnote changes

Endnote changes