

# Mitigating Circumstances – Student Guidance

This Student Guidance has been divided into the following sections:

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If, after reading this Student Guidance, you require any further help or information please refer to Section 5, for sources of further information / assistance.

## Section 1 Frequently Asked Questions

### Question 1 *What are mitigating circumstances?*

**Answer:** The University defines ‘mitigating circumstances’ as:  
circumstances that are **acute, severe, unforeseen and outside a student’s control, that occur immediately before or during the assessment period in question.**

### Question 2 *Does the process cover all types of submission?*

**Answer:** The Mitigating Circumstances process covers:

- ✓ Non-attendance at an exam, class test or presentation; and/or
- ✓ Non-submission of coursework.

Please note that from the 2016/17 academic year, the university regulations have changed and you can no longer submit a claim for impaired academic performance in an examination, presentation, class test etc. If a student attends an assessment, submits a piece of coursework etc., s/he is declaring that s/he is fit to take the assessment.

### Question 3 *What is the assessment period in question?*

**Answer:** The ‘**assessment period in question**’ relates to the period immediately leading up to the examination date/coursework deadline in question, including the actual examination date/coursework deadline.

### Question 4 *What are examples of circumstances which might normally be regarded as mitigating circumstances?*

**Answer:** It is impossible to provide a complete list, but the following examples would commonly be regarded by the University as ‘mitigating circumstances’ and if supported by appropriate evidence would be **likely** to lead to a successful claim:

- ✓ Bereavement – loss of close relative/significant other;
- ✓ Serious short term illness or accident, which in an employment context would have led to an absence on sick leave;
- ✓ Deterioration of a long term physical health and / or mental health condition
- ✓ Significant adverse personal/family circumstances;
- ✓ Other serious unforeseen factors, which have a significant impact on your ability to submit an assessment or sit an examination, class-test, presentation etc.

**Question 5*****What are examples of circumstances which would not normally be regarded as mitigating circumstances?*****Answer:**

Once again, it is impossible to provide a complete list, but here are some examples which are **unlikely** to be acceptable mitigating circumstances. Generally, these are circumstances which could reasonably have been avoided, or where you could have made arrangements to address the problem or taken action to limit the impact of the circumstances, as these circumstances would be deemed to be within your control.

- × A description of a medical condition without reasonable supporting evidence (medical or otherwise);
- × Medical circumstances that occurred outside the relevant assessment period;
- × A medical condition supported by 'retrospective'/'post-dated' medical evidence; e.g. a doctor's note which states that you were seen after the illness occurred;
- × If there is a reasonable case that your circumstances were foreseeable or preventable;
- × Long term health condition for which you are already receiving adjustments via the University's Disabilities and Dyslexia Service;
- × Minor illness or ailment, which in a work situation would be unlikely to lead to absence from work;
- × Holidays;
- × Financial issues;
- × Personal computer/printer problems (including with University computer / server / printing facilities);
- × Poor practice e.g. no back up of electronic documents;
- × Being unaware of the dates or times of submission deadlines or examination(s);
- × Not being aware of the Mitigating Circumstances Procedure;
- × Poor time management.

**Question 6*****What happens if I cannot submit my coursework by the deadline date?*****Answer:**

If your circumstances are such that you cannot submit on the deadline day you should submit a mitigating circumstances claim for non-submission supported by appropriate independent evidence (see sections 2 and 4).

Please do not to leave your work until the last minute as you will be putting yourself at risk of non-submission through poor planning, which would not meet the criteria for mitigating circumstances.

**Question 7*****Can my lecturer grant me a coursework extension to the published deadline for submission of coursework?*****Answer:**

No, lecturers cannot approve any extensions to coursework. If your circumstances are such that you cannot submit on the deadline day you should submit a mitigating circumstances claim for non-submission supported by appropriate independent evidence (see sections 2 and 4).

**Question 8*****What happens if I believe I was not given adequate supervision for my project?*****Answer:**

This scenario is not within the scope of the Mitigating Circumstances procedure. You should instead consider submitting a complaint, which would be handled under the University's Complaints Procedure.

See: <http://student.londonmet.ac.uk/your-studies/student-administration/rules-and-regulations/complaints-procedure/>

You should also consider seeking advice from the Students' Union (see Section 5).

**Question 9**      ***Can I claim for mitigating circumstances on the basis that I have a disability?***

**Answer:**      As the Mitigating Circumstances Procedure is a retrospective process, your disability would not normally be covered by the Mitigating Circumstances Procedure unless there has been a deterioration of your condition(s). If you have a long-term, ongoing and/or persistent condition you should contact Student Services in order that the University can support you throughout your studies.

If you have a disability/long-term medical condition requiring adjustments or you would like to discuss your eligibility for support, please contact the Disabilities and Dyslexia Service (DDS). Adjustments can be put in place throughout the year.

If you are already registered with the DDS but your circumstances have changed, please contact the DDS as soon as possible to ensure that the correct adjustments are in place for you.

For further information: <http://student.londonmet.ac.uk/life-at-london-met/health-and-wellbeing/disabilities-and-dyslexia-service-dds/>

Email: [dds.studentservices@londonmet.ac.uk](mailto:dds.studentservices@londonmet.ac.uk)

**Question 10**      ***Can I claim mitigating circumstances for group work?***

**Answer:**      Yes, if your assessment is a single piece of work prepared by a group, and all members of the group have agreed that the same circumstance(s) affected them, please include the names and student numbers of all the students involved. If your claim is accepted it will also be accepted for the other members of your group, but only if they are identified as part of your claim.

If the mark for your group work is based solely upon your individual contribution, then you should submit an individual claim.

It is impossible to detail every group work scenario, so if you are unsure please refer to Section 5 below - Sources of further information / assistance.

**Question 11**      ***How do I make a claim for mitigating circumstances?***

**Answer:**      You must apply using the Mitigating Circumstances Form. This can be obtained from the web at [www.londonmet.ac.uk/mitigation/](http://www.londonmet.ac.uk/mitigation/)

You should read the form carefully and fill in **all** the relevant boxes. You should also securely attach all evidence supporting your case when you submit it (even if you have previously submitted this documentation for an earlier claim).

The completed form should be submitted to your Student Hub. We advise that you keep a copy of the form and associated documentation.

**Question 12**      ***Who decides whether my mitigating circumstances are valid?***

**Answer:**      Claims are considered by a panel of senior members of staff. Each individual claim is reviewed against the mitigating circumstances criteria and a decision is made, solely on the basis of the form and the documentary evidence submitted.

**Question 13**      ***What are the deadlines for submission?***

**Answer:**      Mitigating circumstances claims must be submitted within two weeks of the submission deadline for coursework or the date of the examination concerned. However, you are advised to submit claims as soon as possible.

**Question 14****How many times can mitigating circumstances be accepted for a component of assessment?****Answer:**

Mitigating circumstances can only be accepted on **one** occasion for any assessment component (exam, piece of coursework etc.) which forms part of the assessment for a module. If you have had mitigating circumstances accepted already for an assessment, you must submit the coursework or sit the exam at the next available opportunity. If you do not, a final mark of zero will be recorded for the assessment concerned. Any mitigating circumstances claim submitted in respect of such assessments will be deemed invalid.

**Section 2****Evidence Requirements**

The decision by the panel will be made solely on your form and the documentary evidence you submit with the form. The panel must be able to confirm your statement by looking at the evidence and so you should ensure that you submit sufficient relevant evidence in support of your claim. **The panel cannot make follow up enquiries to clarify or obtain further supporting evidence.** You should also remember that the Mitigating Circumstances Panel checks on the authenticity of the documentation submitted in any case where there is a justification for doing so. It is a very serious offence to supply fraudulent documentation and it will lead to disciplinary action against you.

Please note that the panel will not contact anybody outside of the University with regard to your claim, unless it proves necessary to authenticate your evidence. Please do not provide contact details for GPs etc. as it will not be possible to contact them. It is your responsibility to provide the evidence in support of your claim.

**Some examples of acceptable evidence:**

Acceptable evidence is an original (not a photocopy) signed letter etc. from an appropriate third party (e.g. GP, hospital consultant, solicitor, police officer, University Counsellor, University Mental Health Co-ordinator) giving details of the circumstance, its duration and its impact. Headed paper is expected where a printed form is not used. Letters from family members or fellow students are not normally acceptable. If the original document submitted as evidence is not in English, an independent (e.g. from a professional translation service, member of University staff, embassy etc.) translation must also be provided.

Examples of evidence:

- Statement of Fitness for Work ('fit note')/GP or Consultant's letter – This needs to be specific about the nature of the illness/condition and must provide a confirmed diagnosis by an appropriate health-care professional who saw you at the time of the assessment period in question (see Section 1 above). A diagnosis is essential, as is a clear indication of the period affected. Self-certificates are not accepted nor are notes/letters where your GP etc. simply reports what you have said to him/her.
- Letter from solicitor, summons to attend court; report from a police officer (crime numbers on their own are not acceptable).
- Death certificate – Please note that we do not keep any original death certificate; it will be copied and the accepting member of staff will sign the copy and return the original. We appreciate that original death certificates are sometimes difficult to obtain, especially if the death occurred abroad. For non-UK death certificates, the University may require a notarised and legalised copy of the certificate or similar corroboration of its authenticity. If you are unsure as to what evidence you should submit in view of your personal circumstances, please contact [mitigation@londonmet.ac.uk](mailto:mitigation@londonmet.ac.uk) for advice. Hospital documentation confirming the death may be an acceptable alternative.

- Confirmation by a transport official of unavoidable, unforeseen and severe disruption to transport.
- A letter of support from a University tutor confirming any matters of fact relevant to your claim.
- Corroboration or statement from a University counsellor - If you have been seeing a University counsellor s/he may write a short statement confirming/supporting your claim, especially if your circumstances are of a particularly sensitive/confidential nature.

### **Claims without supporting evidence:**

Claims without evidence will be rejected. If your evidence is not available by the submission deadline for this form, you may wish to consider submitting a claim once you have the evidence. Please note that the claim will only be considered if you can demonstrate good reason for not submitting a mitigating circumstances claim by the 2 week deadline.

## **Section 3 Outcomes**

The possible outcomes of a Mitigating Circumstances claim are as follows:

- Your mitigating circumstances have been accepted (see 3.1 below)
- Your mitigating circumstances have been rejected (see 3.2 below) Mitigation outcomes are published on e-vision (see [www.londonmet.ac.uk/evision](http://www.londonmet.ac.uk/evision)).

We will notify you when your mitigating circumstances outcomes are available to view. This will normally be within four weeks of the date that the University received your claim.

### **3.1 Outcomes if your Mitigating Circumstances claim is accepted:**

*Please note – an accepted claim will not result in a higher mark*

Assessment type	Component claimed	
	First assessment	Reassessment
<b>Examination non attendance</b>	A further assessment opportunity will be available at the next opportunity	A further reassessment opportunity will be available at the next opportunity (component mark will be capped)
<b>Non submission of coursework</b>	A further assessment opportunity will be available at the next opportunity	A further reassessment opportunity will be available at the next opportunity (component mark will be capped)

The 'next opportunity' is normally defined as the Summer Reassessment Period of the same academic year to which the claim relates. Where a claim relates to exams or coursework undertaken during the Summer Reassessment Period, the "next opportunity" is defined as the first offering of the assessment concerned during the following academic year.

### **3.2 Outcomes if your Mitigating Circumstances claim is rejected:**

<b>Non attendance at an examination or non submission of coursework</b>	A mark of zero shall be awarded for the component claimed. If the claim is against a first attempt, a further capped reassessment in the coursework/examination will be granted, subject to any course specific regulations that may apply.
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**Scenario 1**

A student is due to sit an exam on 21 January 2019, but does not attend because he feels unwell. He sees his GP on 25 January 2019, explains that he did not attend his exam because he was unwell and asks his GP to write a letter confirming this for him to use as evidence to support his mitigating circumstances claim. The GP's letter states:

*'I saw the patient today, 25/01/19 and he informed me that he was unwell and could not attend the exam on 21/01/19....'*

In this case the student's claim would be rejected because:

- The evidence is retrospective/post-dated; i.e. no confirmation that a diagnosis was made on or just before/after the exam.
- There is no clear diagnosis of what was wrong with the student, so it is not possible to assess the impact or severity of his circumstances. The GP is merely repeating what the student told him.

**Scenario 2**

A student is due to sit exams on 18 and 19 January 2019, but does not attend because she is unwell. She is due to submit an essay on 25 January 2019, but does not submit it. The student visits her GP on 19 January and explains that she has had a migraine for the last two days. The GP completes a Statement of Fitness for work, which signs the student off work/university from 18/01/19 to 20/01/19.

In this case the student's claim would be accepted for the exams because:

- There is a clear diagnosis from the GP, who saw the student on the day of the second exam (and only a day after the first exam) and there is confirmation of the impact of the circumstances; i.e. that the student was unfit to attend.

However, the student's claim is rejected for the coursework because:

- Although there is a diagnosis, the student is only signed off until 20/01/19; thus, the coursework submission date is not covered.

**Scenario 3**

A student is due to be evicted from his accommodation on 18 January 2019. He submits a mitigating circumstances claim with a Court Order of Eviction as supporting evidence. The Court Order confirms the date of eviction as 18 January 2019, but was issued three months earlier; i.e. on 16 October 2018. The student has explained why he was unable to move out earlier than the scheduled eviction date. The student does not attend his exam on 18 January 2019 and does not submit his coursework due on the same day.

In this case the student's claim would be accepted for the exam because:

- There is clear evidence that the student was unable to attend on the day of the exam; even though the circumstance was not unforeseen, it was unavoidable.

However, the student's claim is rejected for the coursework because:

- The circumstances are not unforeseen and so the student would be expected to plan in advance and complete and submit the work prior to the deadline.

**Scenario 4**

A student submits a mitigating circumstances claim for non-attendance at an exam on 18 January 2019 and for non-submission of coursework due on 3 December 2018. As evidence she submits a hospital discharge letter indicating that she gave birth on 12 January 2019.

In this case the student's claim would be accepted for the exam because:

- There is clear evidence that the student was unable to attend on the day of the exam; even though the circumstance was not unforeseen, it was unavoidable

However, the student's claim is rejected for the coursework because:

- There is no evidence that the student's circumstances in December were sudden and unforeseen, and the student would be expected to be able to complete and submit coursework during pregnancy.

### Scenario 5

A student submits a mitigating circumstances claim for all the exams he was due to sit in January 2019 and cites the death of his grandfather on 6 January 2019 as the reason. In his statement he explains that he is unable to obtain a death certificate as evidence because the death occurred abroad in a remote part of the world. However, he submits a letter from his GP that states that the GP saw the student on 8 January 2019 and that the student will be unfit to attend the University during January 2019 due to his emotional state.

In this case the student's claim would be accepted for the exams because:

- Despite there being no death certificate there is secondary independent evidence of the death and clear evidence of the impact upon the student being such that he was unable to attend on the days of the exams.

### Scenario 6

A student has been feeling unwell since 20 January 2019, but sits an exam on 22 January 2019. She has to leave before the end because she feels unwell and cannot continue. The student sees her GP the next day and he confirms that she has chickenpox and that as a result she would have been feeling very ill the day before.

In this case the student's claim would be invalid as claims for poor performance in examinations are no longer permitted under the university's regulations. If a student attends an assessment, submits a piece of coursework etc., s/he is declaring that s/he is fit to take the assessment.

## Section 5

### Sources of further information / assistance

- ✓ Further information including the Mitigating Circumstances Form is available at: at: [www.londonmet.ac.uk/mitigation](http://www.londonmet.ac.uk/mitigation)
- ✓ If you require assistance completing this form – please contact the Students' Union:  
North campus - Tower Building - Tel: 020 7133 4171  
email: [advocacy.su@londonmet.ac.uk](mailto:advocacy.su@londonmet.ac.uk)
- ✓ If you have any queries regarding the submission of this form, please contact your Student Hub
- ✓ Any other queries should be sent via email to: [mitigation@londonmet.ac.uk](mailto:mitigation@londonmet.ac.uk) (please include your full name, Student Number and if applicable, list the module(s) concerned)

**This student guidance has been developed by the Academic Services in collaboration with the Students' Union**