DERBY COLLEGE GROUP

POLICY

HE Mitigating Circumstances Policy

Policy Number:	HE002
Owning Strategy / Department:	Higher Education
Approval Board / Committee / Group:	HE Academic Board
User Group:	Higher Education Staff and Students
Relevant To:	Higher Education Staff and Students
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Expiry Date (Next Review Date):	October 2027

Date:	October 2026
Originator:	Director of HE
Area:	Higher Education

POLICY – PROCEDURES – GUIDELINES – RELATED DOCUMENTS

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Policy Accountability and Implementation

Policy Title:	HE Mitigating Circumstances Policy
Policy Author / Reviewers:	Head of Higher Education Quality Assurance
Policy Implementation:	Head of Higher Education Quality Assurance
Policy Monitoring and Compliance:	Head of Higher Education Quality Assurance
Policy Review Timeline:	Annual

Synopsis:
This policy sets out DCG's requirements for managing mitigating circumstances

Policy Classification and Publication

Classification

- Not Classified (NA)

Publication

- Intranet – Policy portal
- Website – HE page

Empowering/related legislative and/or authoritative references:

Periodic Policy Review / Change History

Note: Please make it clear if change/review relates to procedures, guidelines and associated documents only or it is a rational for a new or substantive policy review

Version	Reviewed / Modified by:	Change History	Advisory committee / groups or specialists	Review / Meeting Date/s
V1	Head of Quality Director of Higher Education	Agreed policy	HE Academic Board	July 2019
V2	Director of HE	Policy reviewed	HE Academic Board	January 2021
V3	Head of HE (Acting)/	Policy Review		September 2021

	Office for Students Compliance and Policy Officer	Updated names to reflect changes in job titles		
V4	Office for Students Compliance and Policy Officer	Policy Review – no significant changes	Head of HE	September 2022
V5	Head of HE	Policy Review – no significant changes	Head of HE	September 2023
V6	Head of HE	Policy Review – no significant changes	Head of HE	August 2024
V7	Head of HE (Quality Assurance)	Policy Review – no significant changes	Head of HE	October 2025
V8	Director of Higer Education	Policy Review – minor changes to terminology and job titles	Director of Higer Education	Next Review Feb 2026
V9	Head of HE (Quality Assurance)	Policy Review – no significant changes	Head of HE	October 2027

EQUALITY AND DIVERSITY STATEMENT

Derby College Group strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs or practices, disability, marital status, family circumstances, sexual orientation, spent criminal convictions, age or any other inappropriate grounds.

1. Policy Statement

This policy sets out DCG's requirements for managing mitigating circumstances. It sets out DCG's policy and responsibilities in respect of:

- defining a mitigating circumstance and the criteria for submission of a claim.
- the criteria by which a student should judge themselves as being suitably able to submit or attend an assessment.
- maintaining a single solution for the submission, receipt, review and notification of a claim.
- having appropriately trained staff with access to all required information making decisions on claims.
- consistent application of recommendations and outcomes.
- application of the regulations consistently and fairly across all cohorts of students of DCG.

It applies to all students following taught programmes of study, or taught modules, full-time or part-time, who wish to apply for mitigating circumstances in relation to an assessment or period of assessments.

The term assessment in this policy relates to any form of coursework, examinations, presentations, in-class tests, lab work, online activities, or other activity resulting in a mark and/or grade.

2. Definitions

Mitigating circumstances are defined as unexpected events outside the student's

control which are likely to have a negative impact on the student's ability to successfully complete an assessment. Ongoing or continued problems of which the student was aware prior to the immediate period of study will not normally be accepted as mitigating circumstances.

Mitigating circumstances may occur at any time and affect any form of assessment. These circumstances come under the remit of this policy when they:

Non-attempt: Prevent a student from sitting an examination, submitting a piece of assessment or being assessed through performance-based or skills-based activities.

Late Submission: Prevent a student from submitting assessment by the deadline.

Performance affected: Seriously impact on a student's performance in an assessment or ability to prepare for an assessment in the period immediately leading up to the assessment.

Examples of circumstances which constitute grounds for mitigation may include:

- Illness at the time of an examination or in the period preceding coursework submission or during placement.
- Death of a family member or close friend.
- Severe unforeseen personal or psychological problems.
- Flare-up or exacerbation of a chronic condition.
- Complication of an existing condition.
- Additional impact of a disability, for example when a disability or condition has been exacerbated beyond what is considered normal for the individual.
- Court attendance.
- Victim of crime.
- Serious transport difficulties which could not have been avoided.
- College technical difficulties of a temporary nature e.g. such as an unscheduled disruption to the usual VLE provision;

- Other serious circumstances deemed acceptable by the Mitigating Circumstances Panel.

Indicative examples of circumstances which will not normally be considered as grounds for mitigation include:

- Paid employment, although exceptions may be made where an employer makes additional and unforeseen demands on an employee e.g. sending an employee overseas at short notice;
- Misunderstanding of DCG procedures e.g. not knowing an examination date or coursework deadline;
- Transport problems e.g. missed bus or train, lateness of lift;
- Computer or printing problems.
- Holiday.
- Specific religious observance.
- Sports activities.
- An inability to effectively manage their time.
- 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.
- A back-dated claim for reasonable adjustments completed prior to the release of a formal assessment by the Inclusion and Support Team e.g. retaking an examination with extra time.

3. Scope and Limitations

This policy is applicable to all Higher Education programmes that are not subject to a mitigating circumstances policy set by an awarding organisation/institution. This document provides mechanisms by which students may bring circumstances having a detrimental impact on their study to the attention of DCG. The policy and associated procedures allow for the consideration of the impact of those circumstances on their academic performance and the provision of measures to address the impact, where possible and appropriate. This applies to:

- Higher National programmes
- Honours degrees

- Degrees (non honours)
- Foundation degrees
- Short course at HE Levels 4 to 7

DCG bases its mitigating circumstances procedures on the principles of: transparency; consistency; validity; reliability and fairness and has been guided by the Office for Students (OfS) UK Quality Code, *Assessment* and meets the following Core Practice:

(a) *The provider uses external expertise, assessment and classification processes that are reliable, fair and transparent.*

4. Principles

During their study students may encounter significant personal difficulties that are outside their control and impact on their ability to study and/or complete assessments. In order to be considered under this policy, such difficulties must meet all of the following criteria:

(a) They must be out of the student's control – the student could not have prevented them.

(b) They must have had a demonstrably negative impact on the student's ability to study or to undertake an assessment.

(c) The timing of the circumstances must be relevant to the claimed impact

(d) Unforeseen circumstances

In addition, the following apply:

(a) That all students are treated equally and fairly in the consideration of their mitigating circumstances regardless of their programme of study.

(b) That students have a consistent experience of the mitigating circumstances process.

(c) That DCG fulfils its commitment to delivering a single seamless student service.

(d) That any student who submits, or attends an assessment, on time is declaring themselves able to do so and normally no mitigating circumstance claim can be made for the assessment.

(e) That due recognition is given to the specific challenges facing students where distinctive modes of study can lead to a different set of circumstances that may result in a claim for mitigation e.g. Apprenticeship Degree programmes

(f) That College staff have easy access to information students have willingly shared as part of the claim, as relevant for their role in the process.

(g) That students are provided with accurate information to make informed decisions about their assessments.

(h) That responses to claims are made in a timely manner and not delayed due to internal structures.

5. Responsibilities

Responsibility for this document rests with the Head of Higher Education Quality Assurance.

The Head of Higher Education Quality Assurance will track all cases of Mitigating Circumstances and will submit an annual report to the Senior Management Team summarising the cases. When requested, details of all Mitigating Circumstances cases will be provided to the Higher Education Institution (HEI) with whom the students are ultimately registered with.

6. Implementation Arrangements

The arrangements that outlined below build on previous good practice and seek to provide additional impetus and coherence.

All new members of staff are made aware of the policy and procedures during the formal employee induction process.

The policy is published via the staff policy portal, is available to students via the student VLE and is accessible via the Derby College Group website. This policy can be provided in alternative formats on request.

Any updates or amendments to the policy and procedures are disseminated to the Leadership and Management team and communicated to team members.

7. Monitoring and Review

The policy and procedure is subject to regular review. It will be reviewed on a three year cycle with an annual appraisal of procedures and documentation. Review will take into account the views of students and stakeholders. DCG reserves the right to make whatever changes it deems appropriate.

8. Guidelines

There are no specific guidelines in relation to this policy, all relevant information is contained within the HE Mitigating Circumstances Procedure.

9. Procedures

HE Mitigating Circumstances Procedure:

- Eligibility for Claims
- Submission of Claims
- Mitigating Circumstances Panel
- Conduct of the Meeting
- Decision and Remedy Offered
- Communication of Decisions
- Procedures for Review of the Decision

10. Templates/Forms

Mitigating Circumstances Form.

11. Related Documents

This policy should be read in conjunction with the following documents:

- HE Academic Appeals

- HE Academic Misconduct
- HE Assessment and Feedback Policy
- HE Internal Moderation Policy