

Quality System

Policy Number

POL-OU-05

Policy Title

Higher Education Extenuating Circumstances Policy for
The Open University

Written by:	Equality Impact Assessment	Date of Policy	Date of next review
Author:	Date:		

Higher Education Extenuating Circumstances Policy for The Open University

1.0 Introduction

- 1.1 All students have a responsibility to manage their learning during their registration. This requires students to balance their workloads, to ensure that they attend examinations and to submit work for assessment by the set date of the assessment. This is so that students do not miss deadlines or struggle to meet them.
- 1.2 However, the College recognises that there may be times when a student's circumstances are such that they cannot complete assessments to the best of their ability, or are unable to attend an examination, or are unable to meet an assessment deadline due to adverse circumstances beyond their control. As a result, students can request that these circumstances are taken into consideration by the College.
- 1.3 A student who does not attend an examination or does not meet an assessment submission deadline will be deemed to have not attempted the assessment.
- 1.4 Where a student does not meet the attendance requirements of the programme without gaining the necessary approval, they will be in breach of the College's Attendance Policy.
- 1.5 For these reasons, students are encouraged to inform the College whenever they are experiencing difficulties. If the College agrees with the student, there are a number of remedies that can be offered, depending on how severe the problem is. In many cases the student's problem can be resolved by extending the assessment deadline by seven days. In other cases, such as serious ill health or injury, the student can apply for Extenuating Circumstances. In some cases, the student and the College may decide that it is appropriate for the student to interrupt their studies for an agreed period of time.

2.0 Scope

- 2.1 This process applies to The Open University programmes delivered at the College.
- 2.2 Students can apply for extensions, extenuating circumstances or interruption of studies for all forms of summative assessment, whenever they occur. Students can also apply for extenuating circumstances for reassessment opportunities offered by the relevant Progression and/or Module Award Board.
- 2.3 Concerns relating to the operation of this process must be considered in accordance with the review process established by this process. Concerns cannot be investigated using the College's Customer Complaints Procedure (ref: BAC-Q-05).
- 2.4 The Academic Board may amend the appendices to this process.

3.0 Definitions

- 3.1 Extenuating circumstances are defined as unforeseen and unpreventable circumstances outside the control of the student, which have significantly affected performance and/or attendance in a summative assessment and could not have been remedied in the time available.
- 3.2 These are normally circumstances relating to the health and/or personal life of a student which are sufficiently serious and significant in the nature to result in them being unable to attend, complete or submit an assessment on time.
- 3.3 Students are expected to have taken reasonable steps to ensure that they could not have prevented the circumstances. Appendix 1 provides a list of examples of acceptable and non-acceptable extenuating circumstances.

Higher Education Extenuating Circumstances Policy for The Open University

- 3.4 Students with an underlying disability or chronic illness should normally have agreed a formal student support plan/needs assessment with the Learning Support Department to provide additional support for learning and assessment, as required. However, where such an underlying disability or chronic illness suddenly flares up, or is exacerbated, this would fall within the above definition of extenuating circumstances.
- 3.5 There are three types of remedy that may be offered to a student who is experiencing difficulties outside their control and they will be offered according to the severity of the circumstances:
- An extension of the assessment deadline by seven days (short extension)
 - A formal application for extenuating circumstances
 - Interruption of studies until an agreed date
- 3.6 There are two types of extension:
- 3.6.1 A short extension is an extension of the assessment deadline(s) of up to and including seven days. It is usually for one module only. It is normally only available for first submission, not reassessment, because of the need for timely progression to the next stage of the programme. A short extension should be agreed by a Module Leader or Programme Leader and must be noted and taken forward to Module Assessment Boards.
- 3.6.2 Deferred submission is normally only available to part-time students, and not normally available for reassessment. It is a longer extension that allows a student to submit up to one calendar year from the original submission date. A decision on deferred submission will be made by the Extenuating Circumstances Committee.
- 3.7 Extenuating circumstances application is available for a student where it is felt that an extension, deferral or interruption is not appropriate. In such cases, an extenuating circumstances application will be considered by an Extenuating Circumstances Committee (see paragraph 18).
- 3.8 Suspension/interruption of studies is available for a maximum of two years in total over the programme of studies or up to the length of time for maximum registration (whichever is shorter). A decision on interruption/suspension of studies will be made by the Extenuating Circumstances Committee. It requires a formal request from the student giving reasons why an interruption is sought. A formal agreement should be drawn up, defining the academic stage on which studies will be resumed and including either an agreed date for re-starting studies, or a statement as to when the position will be reviewed and who will initiate that process (College or student).

The form completed by students, programme leaders and the Chair of the Extenuating Circumstances Committee to formalise suspension/interruption of studies should be completed, note that this form is also used to formalise students' withdrawals from programmes.

4.0 Communication of information to students

- 4.1 The submission/examination dates for summative assessments will be made known to students in accordance with the College's Assessment and Feedback Policy.
- 4.2 Students must be advised of this process at the beginning of their programme, via College Student Handbook.
- 4.3 Following a decision on an application, the student must be informed of whether their claim was accepted or was unsuccessful and, where applicable, details of new dates and arrangement for submission of coursework or attendance at an examination.
- 4.4 Written communication with a student can be in paper or email.

Higher Education Extenuating Circumstances Policy for The Open University

5.0 Advice and Guidance

- 5.1 Students and staff can obtain advice on this process from a number of sources including the HE Development Manager/Deputy, the Programme Team and the College web site.
- 5.2 The College's Student Support team can provide advice and guidance to students on a range of issues including disability and student welfare. They can advise on the additional learning support for which students with a disability are eligible. It is important during the extenuating circumstances process that students with a disability demonstrate that they have explored all the relevant resources and sources of support. In addition, staff should signpost these services to students as appropriate.

6.0 Fair treatment

- 6.1 No student applying, whether successfully or otherwise, will be treated less favourably by any member of staff. All staff involved in handling any stage of the application have a duty to ensure that no decision they make regarding the assessment of academic work is influenced by the submission of an application. If evidence to the contrary is found, the member of staff may be subject to action under the College's Staff Disciplinary Procedure (ref: BAC-HR-1-01).
- 6.2 Where a student or staff member believes that consideration of an application is likely to affect the relationship between them, all parties will be expected to continue that relationship in a professional manner. Only in exceptional circumstances will the appropriate Director or Deputy Principal, consider agreeing to a request for alternative working arrangements whilst the application is being considered.

7.0 Confidentiality

- 7.1 Discussions of applications are strictly confidential. Access to applications and supporting evidence is normally restricted to the Chair and Secretary of the Extenuating Circumstances Committee and Academic Board.
- 7.2 If the information presented raises concerns about the student's personal safety or about a risk to the public, the College reserves the right to disclose the information to an appropriate person (for example, the Occupational Health Advisor). This must only be done in exceptional circumstances.
- 7.3 When the process is concluded, all details of the application must be kept securely.
- 7.4 The outcomes of applications must be confidential until formal notification is sent to the student.
- 7.5 The contents of applications must be destroyed in line with the College's retention schedule.

8.0 Timescales

- 8.1 Procedures shall normally be completed within the timescales in this process. There may be circumstances where the timescales cannot be met. When this happens, the College must keep the student updated on progress. The College also expects students to meet the timescales when communicating with the College, unless there are exceptional circumstances beyond the reasonable control of the student.
- 8.2 Reference to timescales in this process relate to calendar days excluding the Christmas closure period of the College and statutory bank holidays.

9.0 Submission of fraudulent claims

Higher Education Extenuating Circumstances Policy for The Open University

9.1 If a student is suspected of submitting a fraudulent application or supporting evidence, as an attempt to gain an unfair advantage, they will be investigated under the process relating to academic misconduct.

10.0 Monitoring and Evaluation

10.1 Once a year, the Chair of the Extenuating Circumstances Committee shall provide a written report to Academic Board on cases of extenuating circumstances applications only. That report shall provide statistical data, identify any trends or wider issues and make any observations and/or recommendations which may assist the College to further good practice in the management of extenuating circumstances applications.

11.0 Determination of the relevant procedure

11.1 If a student feels unable to submit work or to attend assessment at the required point, the student must be encouraged to discuss their circumstances with a member of academic staff in advance of the submission/assessment date. The member of staff will help the student to identify the best course of action. In many cases it may be appropriate for a student to request an extension or, in the case of part time students, to defer submission. However, where there has been a more severe or significant problem the student should be advised to apply for extenuating circumstances. If the student will be unable to continue with their studies for a longer period of time, they may need to apply to interrupt their studies.

11.2 If a student has already obtained a deferred submission, an application for extenuating circumstances will normally not be granted unless there is particular reason (such as a sudden change in the student's circumstances or an unexpected incident).

11.3 Once the deferral period has ended, the student may reapply for Extenuating Circumstances.

12.0 Process for reporting extenuating circumstances and submitting extension, deferral and interruption request

12.1 It is the student's responsibility to inform a member of academic staff of any circumstances which may affect their ability to meet their programme commitment. This should normally take place in advance of the assessment deadline or examination. The member of staff will advise on the appropriate course of action and how to apply for it.

12.2 A student should obtain the relevant application form from their Programme Team and must complete it as fully as possible, giving the reasons for their request.

12.3 Normally, the relevant member of academic staff must sign and date the application form, to confirm that they have discussed the situation with the student and have provided advice.

12.4 The application should be submitted to the HE Development Manager/Deputy HE Manager, following discussion with academic staff.

12.5 Where a student has applied but has not had a response with regards to whether or not it has been accepted, the student should, wherever possible, attempt to submit their coursework or attend their examination. Where a student believes they are unable to do so, and their application is not subsequently supported, they will receive the appropriate outcome as outlined in the relevant assessment process.

12.6 Where a student is unwell during a scheduled examination, such that they believed that their performance has been affected, they should submit an extenuating circumstances application with relevant documentary evidence.

13.0 Evidence to accompany an application

Higher Education Extenuating Circumstances Policy for The Open University

- 13.1 Students must normally provide independent third-party documentary evidence to support their application, so that the application can be considered (for example, from a medical practitioner, counsellor, hospital work, specialist advisor, the police, a solicitor, or named Student Support staff). A statement from a personal tutor may be helpful, but it would not be considered as sole evidence in itself. Evidence from family members or fellow students would not usually be accepted under normal circumstances. A list of examples of acceptable and non-acceptable extenuating circumstances is available in Appendix 1.
- 13.2 If the basis of the application is illness, the students must provide a certificate from a medical practitioner, specifying the dates of the illness.
- 13.3 If evidence is provided in a language other than English, it is the student's responsibility to have it independently translated.
- 13.4 The College acknowledges that, in some situations, there may be legitimate reasons which make it impossible to submit documentary evidence. If this is the case the student must explain it, on their application form, why no evidence can be submitted.
- 13.5 Where it is not possible to submit documentary evidence at the same time as an application form, due to circumstances outside the student's control, the student must still submit their application. The student must give the College office a date by which the evidence will be provided, and a reason for the delay.
- 13.6 Students must always keep a copy of their application form and accompanying evidence, as submitted documents will not be returned. Students may be required to provide a designated member of College staff sight of original documents, if they have provided photocopies.
- 13.7 The College reserves the right to contact any person named in the submission, to seek clarification or further information.
- 13.8 The College will (and cannot) obtain information about a student from a third party (such as a doctor) without the student's explicit permission.

14.0 Submission of a late application

- 14.1 In exceptional circumstances, applications may be submitted after the deadline date. Late applications will only be considered if there is evidence that the student could not have submitted the application earlier. The decision on whether to accept a late application is at the discretion of the relevant Directorate nominee.
- 14.2 In the case of an extenuating circumstances application, a student who is not happy with the decision of the College is entitled to submit a request for review as detailed in section 19.
- 14.3 If a student's formal progression point occurs prior to the Extenuating Circumstances Committee, the Chair may take Chair's Action. The Chair's Action must be formally noted at the next Extenuating Circumstances Committee. If the Chair considers the case to be complex they may defer the decision to the next Committee, instead of making a unilateral decision.

15.0 Approval Process: Short extensions and deferred submission

- 15.1 Approval for extensions is as follows:

Short Extensions	Module Leader or Programme Leader
Deferred Submissions	Extenuating Circumstances Committee

The decision on whether or not to accept a request for an extension or deferred submission is at the discretion of the College and is not subject to review.

Higher Education Extenuating Circumstances Policy for The Open University

16.0 Approval Process: Interruption of Studies

- 16.1 The application will be considered by Extenuating Circumstances Committee, drawing on advice from appropriate academic staff.
- 16.2 If the interruption is agreed, a formal agreement must be drawn up by the Programme Team. This should define:
- The academic stage on which studies will be resumed
 - Either an agreed date for re-starting studies, or a statement as to when the position will be reviewed and who will initiate that process (College or student)

The statement must be signed by the student and by the Chair of the Extenuating Circumstances Committee. If appropriate they may refer the student to the Student Support Department for appropriate advice/support before they return to their studies.

17.0 Application Process: Extenuating Circumstances

- 17.1 The application must normally be returned to the HE Development Managers Office/Deputy HE Manager within 7 days from the submission or examination date. A student must normally be able to substantiate their case with documentary evidence.
- 17.2 New evidence presented on the day of Extenuating Circumstances Committee will only be accepted in exception circumstance, and with the agreement of the chair.
- 17.3 Representation of a student under this process cannot be made by a third party unless written consent is received from the student allowing an individual to act on their behalf. This includes an application submitted by a legal representative parent, guardian or spouse of the student. Where consent is provided to and accepted by the College, all communications relating to this process will be made through the nominated individual only. Oral evidence is not permitted.

18.0 The Extenuating Circumstances Committee

- 18.1 Membership of the Extenuating Circumstances Committee.
- 18.1.1 The Chair of all Extenuating Circumstances Committees will be provided by the Academic Board.
- 18.1.2 The College Quality Nominee
- 18.1.3 Independent Academic representative
- 18.1.5 The Chair must be informed, before the Board, of the availability of everyone who has been invited to attend and must take a decision over whether to proceed with the Board, or to reschedule it
- 18.2 Procedure for Extenuating Circumstances Committee
- 18.2.1 The Chair and the Quality Nominee must be provided with a full copy of the student's Extenuating Circumstances application.
- 18.2.2 The Chair must read out the College's confidentiality and declaration of interest statement, at the start of the Board.
- 18.2.3 The Chair must then present a summary of each case. All other members of the Board will normally be provided with a written report, identifying relevant and non-confidential information relating to students.

Higher Education Extenuating Circumstances Policy for The Open University

- 18.2.4 Extenuating Circumstances Committee must give full consideration to applications and must take account of the nature of the circumstances, the proximity to assessment or submission dates and any prior Extenuating Circumstances claims which have been submitted. Committees must ensure that all decisions-making is independent of the assessment process.
- 18.2.5 Detailed records need not be taken, but where applications are unsuccessful, the reasons must be clearly recorded.
- 18.2.6 Documentation must be collected together by the Chair at the conclusion of the Board and must be securely destroyed.
- 18.2.7 Cases may be adjourned if further information is needed. The Extenuating Circumstances Committee must write to the student to request the information, which must be provided by a date agreed by the Board. If the information is not provided, the application will not be granted. The student must then be informed of the Board's decision.
- 18.2.8 Please see Appendix 1 for a list of examples of acceptable and non-acceptable extenuating circumstances.
- 18.3 Procedure following Extenuating Circumstances Committee
- 18.3.1 Students must be informed of decisions within 15 days of the Board meeting. This should be done in writing or email. If the Board has decided not to grant Extenuating Circumstances the reasons for the decision must be clearly explained in writing.
- 18.3.2 If the application is successful, the official decision will be one of two options:
- Any relevant assessment scheduled to be taken (or already taken) by the student will be set aside. The student will be allowed a further attempt to be determined by the Assessment Board.
 - If the student has already taken the assessment and has achieved a pass mark, the student will be allowed to accept or decline the offer of a further attempt. If the student fails to indicate acceptance of the further attempt by the date agreed, the offer must be withdrawn.
- 18.3.3 In both cases the uncapped mark for the first sitting or first re-sit (if taken) must replace and previous mark.
- 18.3.4 If an extenuating circumstances application is supported, then the decision of the Extenuating Circumstances Committee is reported for information to the relevant Assessment Board, where a new assessment submission deadline date will be set.
- 19.0 Review Process for Extenuating Circumstances Applications Only**
- 19.1 Submitting a request for a review of an Extenuating Circumstances Committee:
- 19.1.1 Within 10 days of being informed if the decision of the Extenuating Circumstances Committee, a student may make a written request for a review of the decision of the Committee decision. This review will not usually consider the issues afresh or involve a further investigation. The review should be submitted to the HE Development Manager. Where a student has a disability or learning difficulty they should identify in their review any adjustments they feel necessary to assist in accessing the process.
- 19.1.2 If as student can evidence that they were unable to request a review as defined in 19.1.1, the Extenuating Circumstances Committee in exceptional circumstances will consider a

Higher Education Extenuating Circumstances Policy for The Open University

request for a review after the cut-off date, and then only to an absolute deadline of 35 days after the publication of the decision of the Extenuating Circumstances Committee. The student must submit with their review a written explanation for the late submission. The decision on whether, exceptionally, to accept a late review will be at the discretion of the Chair of the Review Panel. Their decision is final and not subject to further review. If the review is declined, the student will be issued with a 'Letter of Completion'.

19.1.3 The request must identify the grounds and reasons for the review. If the relevant information is not provided the Head of School will return the review to the student asking that they provide the necessary information. The student will have 5 days to provide this information to the Head of School. If the required information is not received the review will be rejected and the student will be issued with a 'Letter of Completion'.

19.1.4 A review can only be made on the grounds:

- That the decision not to award Extenuating Circumstances was inconsistent and/or unsupported by the evidence presented;

And/or

- That there was a material procedural irregularity by the Extenuating Circumstances Committee, which prejudiced the student's case.

And/or

- That additional evidence has come to light since the decision of the Extenuating Circumstances Committee, which could not reasonably have been expected to have been produced at the time of the consideration of the application.

19.1.5 It is expected that students will provide documentary evidence (where appropriate) to support their case at the same time as their review. Where the submission of supporting documentary evidence is not possible, due to circumstances outside the student's control, the review should be submitted with a clear statement that evidence will follow, normally within 20 days. If no subsequent support evidence is received the Head of School will process the review based on the available documentation.

19.1.6 Students are advised to retain a copy of their review and any supporting documentation. Documents supplied as part of the review process will not be returned. Where photocopies of documents are submitted, the student may be required to provide the Head of School with sight of the original documents in order to verify their authenticity. If evidence is provided in a language other than English, it is the student's responsibility to have it independently translated.

19.2 Initial Consideration of a review:

19.2.1 Receipt of the review will normally be acknowledged by the Head of School within 3 days of its receipt.

19.2.2 A review of the decision of the Extenuating Circumstances Committee, submitted on time, will normally be considered by the relevant Quality nominee (Chair of the Review Panel). However, before doing so, the Head of School will circulate the Review to the Chair of the Extenuating Circumstances committee, or nominee, for consideration unless the application falls within sections 19.1.2 or 19.1.3.

19.2.3 If the Chair of the Extenuating Circumstances Committee believes that there appears to be a case for the decision of the Extenuating Circumstances Committee to be reviewed, they may, in consultation with the Chair of the Review Panel, take Chair's Action. In this event,

Higher Education Extenuating Circumstances Policy for The Open University

the decision must be formally recorded for ratification at the next Extenuating Circumstances Committee.

19.2.4 The Chair of the Extenuating Circumstances Committee must inform the student, in writing, explaining that Chair's Action has been taken and the decision of the Extenuating Circumstances Committee has been revised. A copy of the decision must be sent to the Head of School. The Chair must advise the student of their right to continue to pursue the case through formal review process, and to contact the Head of School within 5 days, if they remain dissatisfied with the decision.

19.2.5 Where it appears to the Chair of the Extenuating Circumstances Committee that there is no reason for the decision of the Extenuating Circumstances Committee to be reviewed, the Chair must provide a written report (the "Chair's Report") to the Head of School within 12 days of receipt of the review.

19.2.6 The Chair's report must normally contain:

- Date of the Extenuating Circumstances Committee
- A copy of all documentation considered by the Extenuating Circumstances Committee
- A print out of the letter to the student informing them of the decision of the Extenuating Circumstances Committee
- Minutes of the Extenuating Circumstances Committee
- Any other information/statement which may assist the Chair (or nominee) of the Extenuating Circumstances Review Panel to reach a decision

19.2.7 The Head of School will forward the case to the Chair of the Review Panel who will determine whether:

- i) The Review is incomplete, misconceived or out of time, and should be dismissed, in which event the student will be issued with a "Letter of Completion"
- ii) There is sufficient evidence to request the Extenuating Circumstances Committee be reconvened to consider the case based on the evidence presented
- iii) To request a Review Panel be convened to consider the case

19.2.8 The decision as to whether or not to convene a review panel is not subject to further consideration and concludes the Extenuating Circumstance Process within the College.

19.3 Extenuating Circumstance Review Panel

19.3.1 The Extenuating Circumstances Review Panel shall consist of three members who have had no prior involvement with the student or previously participated in the case under consideration. The Panel will have the following membership:

- A Chair, who will be a Quality nominee
- One elected officer from the Students' Union
- HE Development Manager

19.3.2 Meetings of the Panel will normally be held within 20 days of a request for a Panel to be convened. The student and the relevant Quality Nominee will be advised of the date and time of the meeting.

19.3.3 It will not normally be possible for the date of the Hearing to be changed. This will only be done in exceptional circumstances, for example medical treatment. Holiday arrangements do not normally constitute a valid reason. Any requests for a change in the date of a Hearing must be submitted in writing to the HE Development Manager, and the decision to change any previously agreed arrangements will be taken by the Chair. Where a decision to re-arrange a Hearing has been refused, the student will be informed, in writing, of the refusal and the case will be considered in the absence of the student.

Higher Education Extenuating Circumstances Policy for The Open University

- 19.3.4 If a student does not attend a Hearing without providing a good reason for their non-attendance in advance, the Hearing may proceed in their absence. If this happens, the case will be considered on the evidence available at the time of the Hearing.
- 19.3.5 A student has the right to be accompanied to the Hearing by a friend. A 'friend', for the purpose of this Hearing, is defined as a person who, at the request of the student may accompany the student or member of staff to the Hearing, and is entitled to speak or act on the student's behalf.
- 19.3.6 If a student is accompanied at the Hearing by a friend, it is their responsibility to provide all relevant notices, communications, and documents to their friend.
- 19.3.7 Any student that requires additional support may make a request at their discretion.
- 19.3.8 At least 5 days before the Hearing, the student and the Chair of the Extenuating Circumstances Committee should confirm to the Quality Nominee who will be attending.
- 19.3.9 The papers to be considered by the Panel will be circulated to all parties prior to the Hearing. The presentation of any new documentation, by either party, will only be accepted in exceptional circumstances with agreement of the Chair. This may result in a suspension of proceedings to provide all parties with the opportunity to consider the new documentation.
- 19.3.10 The student and his/her friend will normally be allowed to be present throughout the whole of the Hearing except when the decision is being debated. If the Panel, in its absolute discretion, decides that the presence of anyone is not appropriate throughout the whole meeting or during any specific part of it, the Chair shall use reasonable endeavours to ensure that such a person is given an adequate opportunity to present his/her case.
- 19.3.11 All participants are expected to behave in an orderly and non-confrontational manner during the Hearing. The Chair may adjourn proceedings if, in their opinion, progress of the Hearing is being hampered.
- 19.3.12 The Panel has the authority to adjourn the Hearing if it requires further information or evidence as is considered appropriate to assist in making its decision.
- 19.3.13 In the event that a student is required to attend a Hearing to discuss their case, the College will consider meeting reasonable and proportionate incidental expenses such as travel (within the UK), where the College is satisfied that it was necessary for the student to incur such expenses. Expenses will not be met without the production of original copies of receipts to the HE Development Manager, and any monies will not be paid until completion of this process.
- 19.4 Decision of the Extenuating Circumstances Review Panel
- 19.4.1 The decision of the Panel will be by majority decision.
- 19.4.2 After consideration of the available evidence relating to the case, the Panel may reach any of the following decisions:
- I) The case is rejected;
- or
- II) The case is upheld and the Extenuating Circumstances Committee will be asked to reconvene to reconsider its decision along with any additional recommendation(s) made by the Panel.

Higher Education Extenuating Circumstances Policy for The Open University

- 19.5 Procedure following decision of Extenuating Circumstances Review Panel
- 19.5.1 Within 5 days, the student shall be informed, in writing, of the Panel decision. When appropriate, the decision may be circulated to Higher Education Quality and Standards Committee, so that any issues of principle or general interest may be identified and acted upon.
- 19.5.2 When it is decided that the case is rejected, the decision of the Panel is effective immediately, and the student will be issued with a 'Rejected review letter'.
- 19.5.3 When it is decided that the case shall be referred back to an Extenuating Circumstances Committee, the Committee will be convened at the earliest opportunity. In cases where there may be a delay in convening a Committee, it may be necessary for Chair's Action to be taken. In this event, the decision must be formally recorded for ratification at the next appropriate Extenuating Circumstances Committee.
- 19.5.4 The Programme Leader will also advise the student that they are not allowed to attend the reconvened Extenuating Circumstances Committee.
- 19.5.5 The reconvened Extenuating Circumstances Committee shall meet as promptly as possible (normally within 15 days of the meeting of the Review Panel) to consider a referral back and make a decision.
- 19.5.6 The Chair of the reconvened Extenuating Circumstances Committee is responsible for communicating the outcome to the student and to the Head of School in writing, within 5 days. The reconvened Extenuating Circumstances Committee must provide a reason for its decision to the student. If the reconvened Extenuating Circumstances Committee amended its previous decision, then the communication should explain the decision and when the remedy will be implemented. The reconvened Extenuating Circumstances Committee will also present its revised decision to the relevant Assessment Board. The student will be informed of the outcome following the decision of the relevant Module Assessment Board.
- 19.5.6 The decision as to whether or not to reconvene the Extenuating Circumstances Committee is not subject to further consideration and concludes the Extenuating Circumstances Process within the College.

20.0 Validating Partner Universities

At the conclusion of the College's internal processes connected with this process, the student shall be issued with a 'Letter of Completion' of internal proceedings. A student who is of the opinion that his/her case is unresolved may apply to the validating partner University to have the case considered under their regulations where applicable.

For further information contact:

Kevin Hodgson
HE Development Manager

May 2019

Higher Education Extenuating Circumstances Policy for The Open University

Appendix 1 – Acceptable and Unacceptable Extenuating Circumstances Examples

Acceptable (examples):

- Serious ill health (which may include an acute episode, a disability or a chronic condition which is not covered by agreed support already in place).
- Significant personal accident or injury.
- Acute personal or emotional trauma (which may include acute anxiety or depression, family breakdown, breakdown of close personal relationship, death or serious illness of family member, significant other, or close friend).
- Victim of crime.
- Additional impact of a disability.
- Complications in a pregnancy.
- Jury service.
- Serious transport difficulties, which could not have been avoided.
- Other significant/exceptional factors for which there is evidence of an impact on performance and/or attendance in a summative assessment and could not have been remedied in the time available. This could include religious/cultural issues and their impact on the individual.

Not acceptable (examples):

- Study related circumstances (personal equipment failure, printer problems, failure to take back-up copy of work, misreading the examination timetable, oversleeping, taking the wrong examination).
- Normal exam stress or anxiety experienced during revision or during the assessment period.
- Personal disruptions within the student's control (moving to a new house, change of job, normal job pressure, holidays, weddings, failed travel arrangements, financial issues, poor time-management, routine medical appointments, disruption to routine caring responsibilities).
- Grounds of religion, unless notification was given at the start of the academic year.
- Foreseeable and preventable circumstances.
- Statement of a medical condition without reasonable evidence (medical or otherwise) to support the case.
- Complaints against staff or in relation to delivery of the module/programme (these are managed through the College's Customer Complaints Procedure).
- Medical circumstances outside the relevant assessment or learning period for which appropriate adjustments for extenuating circumstances have already been made.
- Long term health condition, for which the student is already receiving reasonable and appropriate adjustments.
- Medical condition supported only by retrospective evidence (such as a doctor's note stating that the student was seen after the illness, and that the student declared they had been ill previously).
- Late disclosure of circumstances, where the student could reasonably be expected to have contacted a member of staff about the problem but did not do so.

Higher Education Extenuating Circumstances Policy for The Open University

Appendix 2 – Guidance on Extenuating Circumstances and Disabilities

1. Definition of Disability under Equality Act

A person has a disability if:

- a) They have a physical or mental impairment
- b) The impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities

The definition of 'long-term' is one which has lasted at least 12 months where the period is likely to be at least 12 months from onset.

2. The legal duty

The College must ensure that it does not treat a person **less favourably** as a result of their disability. The College has a duty to make reasonable adjustments when it is known that someone has a disability.

Definitions:

Less favourable treatment:

- A disabled person is treated less favourably than someone else, who has **similar circumstances and abilities**.
- The treatment is for a reason relating to the person's disability

Reasonable adjustment:

- A reasonable adjustment might be a variation in normal practice, or the provision of additional resources or support.
- The adjustment addresses a particular issue that the disabled person faces.
- Any adjustment should not convey advantage and should maintain the rigour of the College's academic standards.
- The College process for determining reasonable adjustment is centred on the Student Support Plan/Needs. An assessment process is undertaken by Disability Services and is underpinned by consideration of Competence Standards.
- Competence Standards are determined by the College and define the essential skills that a student on a programme must be able to demonstrate.

'Deemed to know'

- 'Deemed to know' is defined as 'know' or 'ought to have known' and refers to the 'constructive knowledge' of anyone in the College.
- This is straightforward in cases where students disclose a disability.
- It is, however, more complicated than simply asking 'are you disabled?' A clear pattern of repeatedly expressing a set of needs under particular circumstances may be regarded as sufficient for the College to be 'deemed to know'.
- The College's exposure to the consequences of being legally 'deemed to know' is minimised if it can be demonstrated that the College gave appropriate advice about accessing support.

3. The process

1. Students are encouraged to disclose a disability
2. Students who declare a disability must be referred to Disability Services
3. Student will need to provide information and evidence about their disability

Higher Education Extenuating Circumstances Policy for The Open University

4. Staff in Additional Learning Support will identify appropriate support and reasonable adjustments through the process of Needs Assessment/Student Support Plan. This will include:

- Assistive technology strategies
- Non-medical helper strategies (for example note taking, study skills tuition and mentoring)
- Guidance to assist staff to implement appropriate support

4. Limitations to the Extenuating Circumstances Process:

a) Disabled students:

- i) Students who have had a Student Support Plan/Needs Assessment and have support in place are not usually expected to request extenuating circumstances for disability related reasons. This is because the support is designed to ensure that reasonable adjustments are made, and the student can engage with their studies and with summative assessments within the usual time frame.
- ii) There are clearly some circumstances in which disabled student can apply for extenuating circumstances, these include:
 - a. Where a student's disability is by nature sporadic and unpredictable (for example, chronic conditions that can flare up, or periods of fluctuation in mood and energy). There will be occasions where support cannot prevent impact on performance, and the impact is outside the student's control. It is usual to indicate this in a Student Support Plan/Needs assessment report, wherever it is known about.
 - b. A disabled student can request extenuating circumstances if they feel that:
 - Their support has not been implemented
 - Implementation has been delayed
 - Their condition has worsened, and they require a review
 - The challenges they face are greater than predicted, or they are taking some time to benefit from support (for example, examination arrangements are not in place, there is late awareness of available support, or time management and organisation techniques are taking time to develop)
 - c. Disabled students are just as likely as any other students to encounter circumstances beyond their control, which may affect their studying.

b) Students that repeatedly request extenuating circumstances for the same circumstances:

- i) A student may have a condition that does not meet the definition of disability and would not require a Student Support Plan/Needs assessment. This could apply in the case of physical and/or mental ill-health (for example, following a traumatic incident).
- ii) A student may have a condition that meets the definition of disability, but they do not define themselves as such and would not wish to do so. This is their right.
- iii) A student may have a condition that meets the definition of disability, but the student may not realise this. The working definition for higher education institution is that 'normal day to day activities' include study related activities. It is entirely possible that a student would not consider themselves disabled if issues have not emerged in day-to-day activities outside of studying. This might be the case for a student with a Specific Learning Difficulty, for example.

In the case of the last two examples, a student can be encouraged to contact the Learning Support Department. There may be significant advantages to them should they do so, in terms of support and reasonable adjustments that might be put in place. But, they cannot and must not be forced to do this.