

Quality System

Policy Number

POL-HE-05

Policy Title

Higher Education Extenuating Circumstances Policy

Written by:	Equality Impact Assessment	Date of Policy/ last reviewed:	Date of next review:
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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, 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 Higher Education Attendance Policy (POL-HE-02) This can be found at <https://bacoll.ac.uk/HE>.
- 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 up to 7 days. In other cases, such as serious ill health or injury, the student can apply for Extenuating Circumstances. Both of these forms of extension will be recorded centrally within the HE Office as well as by the relevant Programme Leader. In other 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 instead. Similarly, this decision will be recorded centrally in the HE office as well as formally by the Registry department within the student's individual record.

2.0 Scope

- 2.1 This policy applies to all Higher Education 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 Policy. Concerns cannot be investigated using the College's Customer Complaints Procedure (ref: BAC-Q-05). This can be found at <https://bacoll.ac.uk/HE>.
- 2.4 The Academic Board may amend the appendices to this policy.

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.

- 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 team 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 they control and they will be offered according to the severity of the circumstances:
- An extension of the assessment deadline by up to 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 normally only available for a first submission, not for reassessment, because of the need for timely progression to the next stage of the programme. A short extension should be applied for to either the Programme Leader or the Module Tutor, and only upon their authorisation, should the extension be permitted. Students do not need to provide any formal evidence in order to apply for a short extension however they can only be permitted extensions on 2 x assessment deadlines within a 6-month period. The 6-month periods run 1st September – 1st March and the 1st March – 1st September of each academic year. All decisions made in relation to short extensions will be recorded centrally within the HE Office as well as by the relevant Programme Leader.
- 3.6.2 Deferred submission is 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 The extenuating circumstances application process 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 HE Assessment and Feedback Policy. This can be found at <https://bacoll.ac.uk/HE>.
- 4.2 Students must be advised of this process at the beginning of their programme during induction in the

classroom, via their programme handbook and via a reminder on Moodle.

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 their assignment or attendance at an examination.

4.4 Written communication with a student can be in paper or email.

5.0 Advice and Guidance

5.1 Students and staff can obtain advice on this process from a number of sources including the Programme Team, the HE Student Liaison Mentor, the HE Development Coordinator and the College's HE section of the website.

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 of 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. Please see section 19 for information on academic appeals.

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 Head of Quality & Higher Education, 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 Extenuating Circumstances Committee only.

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 Designated Safeguarding Officer). 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 of this policy. 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 policy relate to calendar days excluding the annual Christmas and Easter closure period of the College and statutory bank holidays.

9.0 Submission of fraudulent claims

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 policy relating to academic misconduct (POL-HE-03). This can be found at <https://bacoll.ac.uk/HE>.

10.0 Monitoring and Evaluation

10.1 At least once per academic 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).

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 the programme team 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/Moodle and must complete it as fully as possible, giving the reasons for their request.

12.3 The Programme Leader (or appropriate designate) must sign and date the application form to confirm that they have discussed the situation with the student and have advised the student on the options available to them as per this policy.

12.4 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/regulations for validated programmes.

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

13.0 Evidence to accompany an application

- 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 worker, specialist advisor, the police, a solicitor, or named Student Support staff member). 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. . Where it is not possible to submit documentary evidence at the same time as an application form, the student must do so within **5 days** of their application. This should also be sent to their Programme Leader (or designate).
- 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/scanned copies.
- 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 Assistant Director – Curriculum & Quality (or designate) plus other member of the Extenuating Circumstances Committee.
- 14.2 In the case of an extenuating circumstances application where a student is not happy with the decision of the College, the student 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 next Extenuating Circumstances Committee, the Chair should call an ad-hoc/additional meeting to consider the relevant application so progression of a student is not unduly delayed.

15.0 Approval Process: Short extensions and deferred submission

15.1 Approval for extensions is as follows:

Short Extensions (Extensions of up to 7 days)	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 any further review.

16.0 Approval Process: Interruption of Studies

16.1 The application will be considered by Extenuating Circumstances Committee, drawing on advice from appropriate members of the programme team and other 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 HE Student Liaison Mentor/Student Support team for appropriate advice/support before they return to their studies.

17.0 Application Process: Extenuating Circumstances

17.1 The application must normally be submitted to the HE Development Coordinator **at least 7 days** prior to a submission deadline/scheduled examination date (having first discussed their application with their Programme Leader (or designate) and gained their signature on the application form (as per point 12.3 above). A student should be able to substantiate their case with documentary evidence. (Please see section 13 above for further information on this point).

17.2 New evidence presented on the day of Extenuating Circumstances Committee will only be accepted in exception circumstances 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 other family member 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. Verbal 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 Committee will be a member of the HE Office who is also a member of the HE Academic Board

18.1.2 Independent academic representative

18.1.3 Programme team member of the applicant students' programmes of study

18.1.4 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.

- 18.1.5 The Extenuating Circumstances Committee shall meet every month across the calendar year (with additional/ad-hoc meetings scheduled where necessary and as per this policy).
Procedure for Extenuating Circumstances Committee:
- 18.1.5 The Chair must be provided with a full copy of the student's Extenuating Circumstances application and accompanying evidence.
- 18.1.6 The Chair must read out the College's confidentiality and declaration of interest statement, at the start of the Board.
- 18.1.7 The Chair must then present a summary of each case.
- 18.1.8 The 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.
- 18.1.9 Detailed records need not be taken, but brief minutes should be taken, and where applications are unsuccessful, the reasons must be clearly recorded.
- 18.1.10 Any printed documentation must be collected together by the Chair at the conclusion of the Board and must be securely destroyed.
- 18.1.11 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.
- 18.1.12 Please see Appendix 1 for a list of examples of acceptable and non-acceptable extenuating circumstances.
- 18.2 Procedure following Extenuating Circumstances Committee:
- 18.2.1 Students must be informed of decisions **within 10 days** of the Board meeting. This should be done in writing or by email. If the Board has decided not to grant Extenuating Circumstances, the reasons for the decision must be clearly explained in writing.
- 18.2.2 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.
- 18.2.3 In both cases the uncapped mark for the first sitting or first re-sit (if taken) must replace the previous mark.
- 18.2.4 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 Extenuating Circumstances Appeals

- 19.1 Students who consider that the College has failed to carry out its duty to act fairly in the application of this Extenuating Circumstances Policy, and would like to appeal this decision, should consult the Academic Appeals Procedure for further guidance outside of this Policy.

20.0 Validating Partner Organisations

At the conclusion of the College's internal processes connected with this policy, the student shall be issued with a 'Letter of Final Internal Decision – Extenuating Circumstances' closing out the internal proceedings. A student who is of the opinion that their case is unresolved may apply to the validating partner organisation to have their case considered under their regulations where applicable.

For The Open University students, please direct these communications to:

The Vice-Chancellor's Delegate,
Academic Services,
Student Casework Office,
The Open University,
Walton Hall,
Milton Keynes,
MK7 6AA, United Kingdom

For further information contact:

Lee Phillips
Head of Quality & Higher Education

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 impacts upon 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.

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
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.