



Middlesbrough
College

Higher Education Extenuating Circumstances Policy

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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, 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 Attendance Policy.
- 1.5 For these reasons, students are encouraged to inform the College whenever they are experiencing difficulties. If a student feels unable to submit work or to attend assessment at the required point, they are 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. If the College agrees with the student there are two courses of action that can be offered depending on the issue. In cases involving serious ill health or injury, for example, the student can apply for a 'deferred submission' on the basis of extenuating circumstances. Alternatively, 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 higher education programmes delivered at the College.
- 2.2 Students can apply for deferred submission or suspension of studies for all forms of summative assessment, whenever they occur. Students can also apply for deferred submission for reassessment opportunities offered by the relevant progression and/or award board (assessment 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 Complaints Policy and Procedure.
- 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 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 Student Services 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 two courses of action 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:
- a formal application for deferred submission due to extenuating circumstances
 - suspension of studies until an agreed date.
- 3.6** Deferred submission is available for a student where it is felt that suspension of studies is not appropriate. In such cases a deferred submission application will be considered by an extenuating circumstances committee.
- 3.7** Suspension of studies is available for a maximum of three years in total over the programme of study or up to the length of time for maximum registration (whichever is the shorter). A decision on suspension of studies will be made by an extenuating circumstances committee. The committee require a formal request from the student offering reasons for the suspension. 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).

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 are advised of this process at the beginning of their programme, via College Student Handbooks.

4.3 Following a decision on an application, the student must be informed of whether their claim was accepted/not accepted within 10 working days and, where applicable, details of new dates and arrangement for submission of coursework or attendance at an examination.

4.4 Communication with a student can be on paper, email, or the college VLE.

5.0 Advice and Guidance

5.1 Students and staff can obtain advice on this process from a number of sources, including; year tutors, programme team, College website, and the Higher Education Office (HEO).

5.2 The College Student Services 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.

5.3 The HEO can only provide advice on the operation of this process.

6.0 The Submission Process

6.1 Submissions are made by first completing a document detailing:

- reasons for applying for deferred submission;
- the assessments in scope, the original deadlines, and the proposed deadlines.

The document is then uploaded to an online submission portal with accompanying evidence. All necessary documentation/written guidance is made available to students via the College virtual learning environment.

7.0 Fair Treatment

7.1 No student submitting an application, 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 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.

7.2 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 Vice Principal Curriculum consider agreeing to a request for alternative working arrangements whilst the application is being considered.

8.0 Confidentiality

- 8.1** 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 the College ALS Coordinator.
- 8.2** 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.
- 8.3** When the process is concluded, all details of the application must be kept securely.
- 8.4** The outcomes of applications must be confidential until formal notification is sent to the student.
- 8.5** The contents of applications must be destroyed in line with the College's retention schedule.

9.0 Timescales

- 9.1** 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.
- 9.2** Unless otherwise stated, reference to timescales in this process relate to calendar days excluding the Christmas closure period of the College and statutory bank holidays.

10.0 Submission of Fraudulent Claims

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.

11.0 Monitoring and Evaluation

Once a year, the HEO shall provide a written report to Academic Board (passed to Governing Body Standards Committee for information) on cases of Extenuating Circumstances applications. The report shall provide statistical data, identify any trends or

wider issues, and make any observations and/or recommendations which may assist the College in further good practice in the management of Extenuating Circumstances applications.

12.0 Process for Reporting Extenuating Circumstances and Submitting Requests

- 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** Where a student has submitted an application but has not had a response with regard 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.
- 12.5** 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

- 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 Services 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 student 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, 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 Higher Education Office a date by which the evidence will be provided, and a reason for the delay.
- 13.6 Applications will only be considered upon submission of accompanying evidence. In the event that an application is submitted without accompanying evidence, the application will be held on file. Upon receiving evidence the Higher Education Office will forward the application for consideration by the panel.
- 13.7 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.
- 13.8 The College reserves the right to contact any person named in the submission, to seek clarification or further information.
- 13.9 The College will not (and cannot) obtain information about a student from a third party (such as a doctor) without the student's explicit permission.

14.0 Application Process

- 14.1 The application must normally be returned to the Higher Education Office before the submission or examination date.
- 14.2 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 his/her 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.
- 14.3 Advice on the process can be provided by the programme team and/or the Higher Education Office.

15.0 Submission of a Late Application

- 15.1 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 Extenuating Circumstances Panel.

- 15.2** 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 18.
- 15.3** If a student's formal progression point occurs prior to the Extenuating Circumstances Committee, the Chair may utilise 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.

16.0 Approval Process: Deferred Submissions/Suspension of Studies

- 16.1** Responsibility for approval of deferred submissions and suspension of studies lies with the Extenuating Circumstances Committee, where necessary drawing on advice from appropriate academic staff. The decision on whether to accept a request is at the discretion of the College and is not subject to review.
- 16.2** If an suspension of studies is agreed, a formal agreement must be drawn up by the programme team. This should define:
- the academic stage at 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 Services Department for appropriate advice/support before they return to their studies.

- 16.3** If the Chair of the Extenuating Circumstances Committee does not agree to the suspension, the student must be sent a letter detailing the reason(s). If the student is not happy with the decision they may appeal, in writing, to the HEO for a final decision. The appeal must be made within 10 days of receipt of the letter. In these cases, the HEO's decision is final and is not subject to further appeal within the College.
- 16.4** The HEO will provide the student with a 'Letter of Completion' confirming the conclusion of the internal appeal process.

17.0 Approval Process: Reasonable Adjustments

For students with additional learning needs, disabilities or temporary injuries, reasonable adjustments can be agreed with programme leaders before an assessment. Applications for

reasonable adjustments are not considered based solely on English not being a student's first language.

17.1 Reasonable Adjustments - Assignments

For assignments, a Programme Leader can grant up to two additional weeks according to the following tariff:

- One extra week for assignments of up to 5,000 words
- Two extra weeks for assignments above 5,000 words.

The process of the approval of a reasonable adjustment for assignments is for programme leaders to approve the adjustment by completing a Reasonable Adjustment Form.

17.2 Reasonable Adjustments - Examinations

Accommodation can be made for examinations according to individual circumstances in consultation with the HE Office.

The process of the approval of a reasonable adjustment for examinations is for the Programme Leader to consult the HE Student Support and Participation Coordinator and having agreed reasonable adjustments, forward the details to the HE Office.

18.0 The Extenuating Circumstances Committee

18.1 Membership of the Extenuating Circumstances Committee

18.1.1 The Chair and Secretary of all Extenuating Circumstances Committees will be provided by the HEO.

18.1.2 The College HE Special Educational Needs Coordinator.

18.1.3 Director of Student Services.

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 Students may not attend Extenuating Circumstances Committee.

18.2 Procedure for Extenuating Circumstances Committee

18.2.1 The Chair, Secretary and, normally, the ALS Manager 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 the student.

- 18.2.4 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 decision-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 Secretary at the conclusion of the Board and must be securely disposed of.
- 18.2.7 Cases may be adjourned if further information is needed. The Secretary 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 Committees

- 18.3.1 Students must be informed of decisions within 10 days of the Extenuating Circumstances Committee meeting. If deferred submission has not been granted 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:
- All relevant scheduled assessment submission deadlines are discounted for the student in question and new dates assigned as specified in the application
 - 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 is withdrawn.
- 18.3.3 If an Extenuating Circumstances Application is supported, then the decision of the Extenuating Circumstances Committee is reported for information to the relevant Assessment Board.

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 of 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 HEO. 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 a student can evidence that they were unable to request a review as defined in 18.1.1, the Extenuating Circumstances Committee in exceptional circumstances will consider a 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' confirming the conclusion of the internal appeal process.
- 19.1.3 The request must identify the grounds and reasons for the review. If the relevant information is not provided the HEO will return the review to the student asking that they provide the necessary information. The student will have five days to provide this information to the HEO. 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 accept 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 HEO 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 HEO 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 HEO within three days of receiving it.
- 19.2.2 A review of the decision of the Extenuating Circumstances Committee, submitted on time, will normally be considered by the relevant Principal's nominee (Chair of the Review Panel). However, before doing so, the HEO will circulate the review to the Chair of the Extenuating Circumstances Committee, or nominee, for consideration.
- 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, 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 HEO. The Chair must advise the student of their right to continue to pursue the case through formal review process, and to contact the HEO within five 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 HEO within 12 days of receipt of the review.
- 19.2.6 The Chair's Report must normally contain:
- the date of the Extenuating Circumstances Committee
 - a copy of all documentation considered by the Extenuating Circumstances Committee
 - the letter to the student informing them of the decision of the Extenuating Circumstances Committee
 - a record of the decisions relating to extenuating circumstances
 - 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 HEO 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 to convene a Review Panel is not subject to further consideration and concludes the Extenuating Circumstances Process within the College.

19.3 Extenuating Circumstances 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 Principal's nominee;
- one elected officer from the Students' Union;
- one senior representative of the College.

19.3.2 The panel will have a Clerk, who will attend in an advisory capacity, and a Secretary.

19.3.3 Meetings of the panel will normally be held within 20 days of a request for a panel to be convened.

19.3.4 The panel will normally be held at the College. Students and staff based in other locations may attend remotely by request.

19.3.5 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 HEO, 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.

19.3.6 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.

19.3.7 If, for good reason, a student is unable to attend the hearing, then they may request that the hearing be postponed until a later date, or request that a third party attend the hearing on their behalf. The decision on whether the hearing will be deferred will be made by the Chair of the Review Panel.

- 19.3.8 Students have the right to be accompanied at 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 attend the hearing and is entitled to speak or act on the student's behalf. It is not permitted for any legal professional to act on behalf of a student at any point in proceedings.
- 19.3.9 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.
- 19.3.10 No person has the right to be present except the student concerned, who may be accompanied by their friend.
- 19.3.11 At least five days before the hearing, the student and the Chair of the Extenuating Circumstances Committee should confirm to the HEO who will be attending.
- 19.3.12 In considering the review, the panel may call any appropriate persons to give evidence. Five days notice of the hearing should normally be given if attendance of a member of staff is required by the panel. The Chair will provide the member of staff with the appropriate documentation. If it appears to the Chair that the review, or associated documentation, or oral evidence, raises allegations of misconduct this may lead to action under the College's Staff Disciplinary Procedures.
- 19.3.13 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.
- 19.3.14 The student and their 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 their case.
- 19.3.15 The audio recording of the hearing is prohibited subject to such reasonable adjustments as may be agreed by the College where required under the Equality Act 2010.
- 19.3.16 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.
- 19.3.17 During the hearing:
- the Chair will outline the procedure of the meeting to all parties
 - the Chair will ask the student and/or friend to present their case
 - members of the panel may ask questions of the student and/or friend

- the student and/or friend may ask questions of the Chair
- the Chair will ask the student and/or friend to leave the meeting
- the panel will consider the evidence in private and reach a decision which will then be communicated to the student and/or friend.

19.3.18 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.

19.3.19 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), subsistence and accommodation costs 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 HEO, and any monies will not be paid until completion of this process. Students are required to submit claims, in writing, to the HEO. Students who are in doubt should check in advance with the HEO, as to the acceptability of any expenses. The decision on whether to meet incidental expenses will be made by the Chair and this decision will be final.

19.3.20 The student will be responsible for paying the costs for their friend's attendance at the hearing, and third-party costs will only be reimbursed subject to approval by the Chair.

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.

19.5 Procedure following decision of Extenuating Circumstances Review Panel

19.5.1 Within five days, the student shall be informed, in writing, of the panel decision. When appropriate, the decision may be circulated to Academic Board, 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 'Letter of Completion' confirming the conclusion of the internal appeal process.

- 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 No member of staff directly involved in the student's submission to the panel shall act as Chair, or as a panel member, for the reconvened Extenuating Circumstances Committee.
- 19.5.5 The HEO will advise the student that some delay is inevitable before a final decision is reached.
- 19.5.6 The HEO will also advise the student that they are not allowed to attend the reconvened Extenuating Circumstances Committee.
- 19.5.7 The Chair of the Extenuating Circumstances Review Panel will forward the documentation considered by the panel to the Chair of the reconvened Extenuating Circumstances Committee (together with the reasoned decision of the panel) unless, in exceptional circumstances, the Chair of the Extenuating Circumstances Review Panel directs that it would be appropriate to withhold some of the documentation or agrees with a request by the student to withhold sensitive personal information.
- 19.5.8 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.
- 19.5.9 The Chair of the Review Panel may nominate an Observer to attend the reconvened Extenuating Circumstances Committee. The name of the Observer will be communicated to the Secretary of the reconvened Extenuating Circumstances Committee by the HEO. The Observer shall, if requested, provide clarification to the Extenuating Circumstances Committee on the recommendation of the Panel.
- 19.5.10 The Chair of the reconvened Extenuating Circumstances Committee is responsible for communicating the outcome to the student and to the HEO 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 Assessment Board.
- 19.5.11 The decision as to reconvene/not 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 their case is unresolved may apply to the validating partner University to have the case considered under their regulations where applicable.

21.0 Appendix One: 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 Student Complaints Policy and 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

22.0 Appendix Two: Guidance on Extenuating Circumstances and Disability

1. Definition of Disability under Equality Act

A person has a disability if:

- a) they have a physical or mental impairment and
- 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 or 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. Students 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), and
 - guidance to assist staff to implement appropriate support.
5. These will be communicated to staff through the ALS Co-ordinator.

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 that 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 students can apply for Extenuating Circumstances. These include:
 - 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.
 - 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)
 - 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 ALS 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.

23.0 Appendix Three: Revision History

Version	Date	Detail
1.0	September 2017	
1.1	August 2018	Document edited for clarity and to homogenise presentation and implement URLs to College website HE Essential Information page. Extenuating Circumstances and Suspension/Withdrawal Form added.
1.2	January 2020	Added section - and form - relating to Reasonable Adjustments
1.3	December 2020	Added Suggested Deadline Date to Extenuating Circumstances form (Appendix 3)
1.4	April 2021	Student attendance support text and flow chart added.
1.5	May 2021	Section 3 corrected.
1.6	October 2021	Reference to short extensions removed. Some terminology clarified and timescales amended. EC request form updated.
1.7	November 2021	Reasonable adjustments form link added.
1.8	March 2022	Requirement for evidence in order for application to proceed to panel added, membership of EC panel amended.
1.9	October 2023	Appendices linking to forms removed as forms are now online. Letters of completion info updated. References to directorate representative removed from EC review panel section.
1.10	January 2024	Submission process clarified.