



CLTi Policy and procedures on mitigating circumstances

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1. Introduction

- 1.1. During the course of their studies, Learners may suffer from an illness or misfortune that adversely affects their ability to complete an assessment or the results they obtain for an assessment. This policy sets out CLTi's arrangements for considering requests for mitigation in such circumstances.

2. CLTI policy

- 2.1. CLTI defines mitigating circumstances as unforeseeable or unpreventable circumstances that could have, or did have, a significant adverse effect on the academic performance of a Learner
- 2.2. CLTI will ensure that Learners that apply for Mitigating Circumstances are dealt with systematically and that Learners are dealt with equally.

It is important for Learners to remember that, in order to qualify for consideration, the adverse circumstances or events must be unforeseeable or unpreventable and sufficiently disruptive to have a significant adverse effect on their academic performance, or their ability to complete an assessment by the due date.

Special consideration when appropriately applied should not give the Learner an unfair advantage.

Special considerations in response to a mitigating circumstance will vary according to the nature of the mitigating circumstances. These may include but are not limited to consideration of:

- a review of marks (small changes may be considered in borderline cases)
- an extension for an assessment
- retaking of an assessment

- 2.3. Learners should complete the CLTI Mitigating Circumstances form (following the submission instructions) as soon as they are aware of and are able to report a mitigating circumstance

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- 2.4. Relevant evidence should be included with a mitigating circumstances claim and the nature of supporting or corroborative documentation will vary according to the nature of the circumstances, but it must be sufficiently independent to confirm the veracity of the case the Learner is making (e.g. a letter or medical certificate signed by a medical practitioner, a document from an outside agency).
- 2.5. Requests for mitigation will be processed formally and judged impartially. The procedures will be applied consistently but with enough flexibility to allow them to apply equally to any programme-specific assessment requirements.

3. Grounds for mitigation

3.1. Possible mitigating circumstances include (but are not limited to):

- significant illness or injury, or worsening of an existing illness or disability, including mental health conditions
- the death or critical/significant illness of a close family member/dependent
- significant family or personal crises or major financial problems leading to acute stress
- being the victim of a crime
- unplanned absence arising from such things as jury service or maternity, paternity or adoption leave
- unexpected emergency travel connected with employment (employer's confirmation would be required)
- regulatory spot-check visits, i.e., not pre-notified or planned (employer's confirmation would be required).

In assessing the impact of an event on a Learner, the timing of the event will be taken into account to determine if it is a legitimate claim for mitigation.

3.2. Circumstances that will not normally be regarded as grounds for mitigation include:

- holidays, moving to a new residence or any events that were planned or could reasonably have been expected
- assessments that are scheduled close together
- misreading the timetable or misunderstanding the requirements for assessments

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- inadequate planning and time management
- an act of religious observance
- exam stress or panic attacks not diagnosed as illness or supported by medical evidence
- disruption in an examination room, during the course of an assessment, which has not been brought to the attention of, or recorded by, the invigilators (including instances such as fire alarms or other noise disruption)
- failure, loss or theft of a computer or other equipment
- consequences of paid employment, other than the circumstances noted in section 3.1.

3.3. For the avoidance of doubt, pregnancy is not an illness but an altered state of normality so it is not, in itself, regarded as a mitigating circumstance. Therefore, the expected demands that pregnancy will make should be factored into a study programme - including consideration for the timing of any assessments for a qualification. The CLTI Learner Support team may be contacted for help and advice in this regard.

Events may arise during pregnancy that may constitute mitigating circumstances, and these will be judged on a case-by-case basis.

4. Requesting mitigation

4.1. It is the responsibility of the Learner to submit a request for consideration of mitigating circumstances before the element of assessment for which they wish to request mitigation to apply for a possible extension or deferral. Prompt submission makes it easier to offer flexibility in the arrangements for assessment, as envisaged above.

4.2. Requests for consideration of mitigating circumstances should be submitted no later than 5 working days after the assessment. Requests for special consideration may only be accepted after the results of assessment have been released in the following circumstances:

- Medical evidence comes to light about a Learners condition which demonstrates that the Learner must have been affected by the condition at the time of the assessment, even though the problem revealed itself only after the assessment.
- For on-screen assessments where results are immediately available.

4.3. Learners may first seek advice from CLTI Learner Support Team as to whether Mitigating circumstances are likely to be sufficient to warrant consideration by CLTI's Assessment Board.

Requests submitted as a result of circumstances that arose during the course of assessment will be considered at the relevant meeting of the Assessment Board if possible, or will be addressed by the Assessment Board Chair on behalf of the Board, if it not possible or practical to convene an Assessment Board.

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- 4.4. The Assessment Board will need to agree that the Learner's circumstances were unforeseeable and unpreventable and that the effect on their academic performance would have been significant. The Assessment Board will then decide if and how to apply mitigation, based on the evidence available.

Completed Mitigating Circumstances request forms should be emailed to CLTI at cltinternational@centlaw.com.

5. Supporting evidence required for mitigating circumstances

- 5.1. Requests should be accompanied by appropriate, independent, third-party supporting, or corroborative documentation, which should be written in English (or officially translated into English). It will be checked to ensure that there are no doubts about its authenticity, which may include verification of the source.

If the information, and details of the mitigating circumstances, are considered to be highly confidential, Learners should mark their Mitigating Circumstances request form as Strictly Confidential and submit this together with the supporting documentary evidence. If there are any concerns about the submission of a confidential Mitigating circumstances request, the Learner Support Team may be contacted in advance for advice.

- 5.2. Learners are advised to submit independent and time-specific evidence to support a request for mitigation.
- 5.3. CLTI will verify the authenticity of evidence provided by the Learner. It would be expected, for example, that letters are on official, headed paper, written in English (or officially translated), with the name and signature of the author clearly visible. Evidence should include relevant dates, and clearly refer to the Learner by name.

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- 5.4. After CLTI have reviewed and confirmed the authenticity and relevance of the evidence, and it has been reviewed by the relevant Assessment Board. The Mitigating Circumstances request form will be retained, and a record will be kept of the decision and the mitigation applied. Any information or data retained when a Learner's studies with CLTI cease, will not include any personal identifying information, which will be destroyed on the cessation of studies.
- 5.5. If evidence is questionable, insufficient or incomplete, additional evidence may be requested by a deadline date. The application will remain dormant until further evidence is provided or the deadline expires. If sufficient evidence is not provided within the specified time period, the Mitigating Circumstances claim will become null and void and be deleted or destroyed together with any accompanying documentation.

6. Approving mitigation

- 6.1. CLTI will determine whether there is substantiated evidence of circumstances eligible for mitigation. It will then decide whether the circumstances will have had an adverse effect on the Learner's performance, and if so, it will judge how significant the effect was likely to have been.
- 6.2. CLTI may judge that the effect would have been negligible (for example, in the case of a minor illness or a minor disturbance in an examination room), or it may judge that the effect would have been significant, in which case mitigation will be approved.

7. Applying mitigation

- 7.1. The mitigation applied will depend on how serious the adverse circumstances were for the learner.
- 7.2. When mitigation is approved for a problem that arose during an assessment and that prevented Learners from meeting an assessment date (e.g. assignment deadline), Learners may be entitled to an extension to an assessment deadline or deferral of assessment as per terms and conditions fees will apply.

A deferral of assessment is the postponement of the date on which the Learner is due to submit an assessment, or sit an examination, until the next opportunity.
- 7.3. Accepted mitigating circumstances that a Learner claims detracted from their performance will be submitted to an Assessment Board so that CLTI can consider the impact on the Learner's result.
- 7.4. The Assessment Board may agree to apply general mitigation to the overall performance of the Learner. In such cases, the Assessment Board will judge, in the light of the severity of the impairment and of other available evidence, such as the Learner's prior performance, whether, without the impairment, the Learner would have reached higher overall marks sufficient to demonstrate appropriate learning outcomes for a particular award.
- 7.5. The Assessment Board may agree that, notwithstanding the approved mitigating circumstances, the available results provide insufficient evidence of achievement to judge whether the Learner would have demonstrated appropriate learning outcomes for a particular award.

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- 7.6. The remedies available may then be restricted to granting permission for the Learner to take any missing assessments on a subsequent occasion or to re-take an assessment in which performance was severely impaired.
- 7.7. Such further assessment would be equivalent to the original assessment affected by the mitigating circumstances, so that the Learner would not forfeit any re-assessment opportunities.
- 7.8. If there is a credible and compelling explanation as to why the circumstances were not brought to the attention of CLTI at an earlier stage, requests made after the publication of results may be considered.

8. The right of appeal

8.1. Where a request for mitigating circumstances is refused, a Learner may appeal the decision on the following grounds:

That there exists or existed circumstances affecting performance of which, for good reason, the Assessment Board may not have been made aware when the decision was taken and which might have had a material effect on the decision.

Accompanied by an explanation of why an Appeal is appropriate. This might include (but is not limited to), for example, a belief that a claim or evidence was misinterpreted or not appropriately considered. The Appellant should explain why they believe this to be the case.

Please refer to the CLTI Appeals policy for further details of how to submit an Appeal.

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