**Managing Special Mitigation Claims**

**Guidance for the 2020/21 Academic Year**

In particular circumstances, a student may request to the Personal Circumstances Panel that their ‘fit to attempt’[[1]](#footnote-1) declaration is withdrawn. This is referred to in the regulations as ‘Special Mitigation’. Applications for Special Mitigation should only be made in *exceptional circumstances* and require verifiable independent evidence to support the student’s assertion that they were unfit to attempt the assessment at the point of their original submission.

Guidance in relation to the evidence that should be provided and implications of a successful Special Mitigation claim are detailed below.

**Special Mitigation in relation to time limited assessments that were not completed**

Previously, Special Mitigation has been applied where a student has been taken ill in an exam or other timed/live assessment, for example a presentation. However, in the current circumstances Special Mitigation could also be considered in the following situations:

1. **IT failure:** Special Mitigation may be claimed in situations where IT failure has prevented them completing an on line assessment. In these instances, Special Mitigation claims may be considered although the application would have to provide a detailed account of the issue plus evidence that the student had attempted to contact a member of the module team/personal tutor either during or shortly after the exam.
2. **Illness:** Special Mitigation may be claimed if the student has been taken ill during an exam. In this case, the application would need to provide evidence to support the claim. For example an email communication to a member of the module team/personal tutor either during or shortly after the exam.

An **evidenced justification of lateness** is required for all applications not submitted in a timely manner. This is especially important for claims submitted following any release of marks.

*Please note: if the student could not start the assessment due to issues such as IT failure/illness, they should submit a Personal Circumstance (Non-attempt of assessment) claim rather than using the Special Mitigation process. The Special Mitigation process is specifically concerned with withdrawing ‘fit to attempt’ following submission of an assessment.*

**Special Mitigation for all other assessments, including completed timed assessments**

In the current public health crisis, with all assessment being completed and submitted remotely, a student could make a claim that they were not fit to submit/attempt both online examinations or coursework. Please note that in the event of a successful ‘unfit to attempt’ claim the current mark would be expunged from the student’s record and a deferral recorded against that component.

Principles regarding the management of expunged component attempts:

1. If a student retakes the module component and receives a lower mark for the deferred attempt then it is the lower mark that will be used, so the higher initial attempt **will not be reinstated in this instance**. This includes any student mark which is lower due to the outcome of an Academic Misconduct Panel.
2. If a student does not attempt the deferred component and there are no further approved personal circumstances claims (and therefore the student receives a non-attempt / NAT for the component) then **the first attempt at the component will be used in this instance.**
3. If a student subsequently defers the new attempt at the component, then the student will be able to choose whether they accept the first attempt at the module or want a further deferral. Consideration by the student is especially important as they may be stopped from progressing on their programme or graduating with their cohort on time as a result of any further delays in taking deferred components.

An example of this is as follows;

Student A on Level 4 of an undergraduate programme has achieved 80 credits at Level 4. The student has two modules for which they received passing marks (45% and 48%) but for which the student has successfully applied for Special Mitigation. However, in the reassessment period, the student is unable to take the deferral attempts and therefore could not proceed to Level 5 (as they would not have achieved sufficient credits). A student in this situation may want to waive their right to a Special Mitigation attempt and choose to have their original marks reinstated to allow progression to Level 5.

**Applications for Special Mitigation**

**Applications for Special Mitigation should only be made and approved in exceptional circumstances, in discussion with a Faculty Registrar**. Applications would require verifiable evidence to support the student’s assertion that they were unfit to attempt the assessment at the point of their original submission.

Examples of claims that may be considered exceptional enough to be considered for Special Mitigation could be an underlying medical condition that the student was unaware of at the time of submission or such extreme personal circumstances that the panel would consider that the student was not in a fit state of mind to decide their “fitness to attempt”. We would expect claims of this nature to be exceptional and verifiable evidence would be required in all instances.

**Timelines associated with these claims**

The Personal Circumstances Policy states that:

*A non-attempt at assessments or special mitigation application should be made no later than five working days following the affected assessment event.*

*However, if the student’s situation prevents submitting an application, this may be considered outside of this period and this is clarified in the policy as follows*

*In exceptional circumstances, where a student can demonstrate, with the support of independent documentary evidence, that they could not reasonably have been expected to comply with the University’s regulations owing to the specific nature of the issues involved, an application submitted beyond this time frame may be considered. Where appropriate, if the late application is upheld after the relevant examining board has met, the Chair of the Examining Board will be notified and the student’s academic profile will be reconsidered.*

There should be a high evidence threshold for late claims and especially those after the release of marks through results notification. This might include hospitalisation (e.g. the student or someone they are caring for).

Personal Circumstances Panel chairs can use the PC-Chairs@ljmu.ac.uk email address to discuss matters of principle and allow consistent decisions across the institution. These types of claims often have unique elements and are thankfully unusual across the institution. Therefore, the support of the wider PC panel chairs is often useful to provide a support network for helping chairs in providing guidance to the wider panel.

1. UG/PG.C4.6.1 A student who declares themselves ‘fit to attempt’ at the start of a

time-limited summative assessment item but whose performance was adversely and seriously affected by circumstances that occurred during the assessment to such an extent that the assessment item could not be completed, may submit a claim for ‘special mitigation’ [↑](#footnote-ref-1)