

**EXTENSIONS, DEFERRALS AND
MITIGATING CIRCUMSTANCES POLICY (LLB STUDENTS ONLY)**

This Policy only applies to LLB students.

- 1 The University of Law's Extensions, Deferrals And Mitigating Circumstances Policy has been informed by the Office for Students Sector-Recognized Standards and the General Ongoing Conditions of Registration and has regard to the UK Quality Code for Higher Education. These definitive reference points for all English higher education institutions set out how academic standards are established and maintained and how excellence in the quality of learning opportunities is assured.
This policy sits within The University of Law's Quality and Standards Code, which provides a suite of policies designed to safeguard the academic standards of The University of Law and to assure the quality of learning opportunities offered; this policy should therefore be read in conjunction with other relevant policies within the code.

Introduction

- 2 The University recognises that sometimes students face difficulties meeting their assessment deadlines due medical or personal issues or other unforeseen circumstances. The University offers the following options for students in such situations:
 - 2.1 An "Extension" is where a student is permitted to submit a piece of coursework (or other submitted assessment) after the hand-in deadline without incurring a penalty.
 - 2.2 A "Deferral" is where a student is permitted to postpone an attempt at an assessment until the next scheduled assessment point.
 - 2.3 "Mitigating Circumstances" are where the University acknowledges that there have been significant and unforeseen circumstances which caused a student to be absent from an assessment or for their performance to be impaired. In such situations, the University has the discretion to grant a "Concession" in the form of an additional attempt at the same assessment stage.

Section A: Extensions

3. Where a student feels that they need more time to complete their coursework due to illness or other unforeseen circumstances, the student may apply for an extension to the assessment deadline by submitting an "Extensions, Deferrals and Mitigating Circumstances" application form along with supporting evidence, as required.
 - 3.1 The Programme & Student Lead, or nominee (e.g., an Assessments Officer), has discretion to grant an extension of up to **seven calendar days** to the assessment deadline. Note that this includes weekends and Bank Holidays. Extensions of longer than seven days are not permitted. Students who feel they

require a longer extension should apply for a deferral instead (see “Section B: Deferrals”).)

- 3.2 For the avoidance of doubt, extensions may only be requested for coursework or other submitted assessments. Extensions cannot be granted for examinations (written or oral assessments sat under timed conditions) or presentations
- 3.3 Extensions for courseworks which form part of a multi-part assessment alongside an oral examination (e.g., a viva) will not normally be granted.
- 3.4 Applications for extensions **must be received in advance of the assessment deadline**. Students who submit their applications at least **three working days** prior to the deadline will receive a decision by the deadline date. Applications submitted later than three working days will be considered as soon as possible, however the decision may not be always be communicated to the student by the deadline date. Students may also apply for an extension after the deadline if, for example, they experienced an unforeseen situation at the time they tried to submit. See “Retrospective Extensions” below.
- 3.5 Further extensions to extensions already granted are not permitted. Students cannot submit work late beyond the extended deadline they have been granted. For the avoidance of doubt, the absolute latest a piece of coursework will be accepted is seven calendar days from the original assessment submission date.
- 3.6 Extensions must not extend beyond the expected time limit for completion of the course.

Retrospective Extensions

- 3.7 Where a student experiences an acute, unforeseen circumstance which prevents them from being able to submit their coursework by the deadline, the student may apply for an extension retrospectively to submit their assessment up to seven calendar days late. Applications for retrospective extensions must be received within seven calendar days of the original submission deadline. The seven calendar day extension is counted from the original coursework submission date and **not** from the date the student applied for the retrospective extension. For the avoidance of doubt, both the assessment and the application must therefore be submitted within seven days. Work that is submitted late without an application for an extension will be subject to a late submission penalty (see “Penalties for unauthorised Late Submission” below).

Penalties for unauthorised Late Submission

- 3.8 Where a student submits coursework beyond the published deadline without requesting an extension, or if they have had a request for an extension refused, then the University will deduct 5 percentage points off the moderated mark per day late* up to a maximum of four days, after which the submission will not be

accepted and the student will be deemed absent from the assessment and will receive a mark of zero.

* Includes weekends and Bank Holidays

- 3.9 Late submission of resit assessments where the resit mark is capped, or where an assessment is graded as Pass/Fail, will be treated as a non-submission and given a mark of zero.

Section B: Deferrals

4. Where a student feels that their ability to either attend or to perform in an assessment is likely to be seriously and adversely affected by illness or other valid cause, the student may apply for a deferral to sit an assessment at the next scheduled assessment point by submitting an “Extensions, Deferrals and Mitigating Circumstances” application form along with supporting evidence, as required.
- 4.1 The Mitigating Circumstances Panel has discretion to grant a deferral to the next scheduled assessment point only. Extending a deferral is only possible through submission of a further application. Students who wish to defer their assessment beyond the next scheduled assessment sitting should consider an intermission from study. The University’s Intermission Policy can be found on the University website (<https://www.law.ac.uk/policies/>).
- 4.2 Applications for deferrals **must be received in advance of the assessment deadline**. If a student has not applied for a deferral in advance and subsequently misses an assessment, they should submit an application for Mitigating Circumstances if they want to have their absence excused and avoid being penalised. See “Section C: Mitigating Circumstances” below.
- 4.3 Students who have been granted a deferral will be required to sit the assessment which has been set for that assessment point. The University is under no obligation to set any separate assessment for a student other than those scheduled in the normal assessment cycle.
- 4.4 Students should be aware that deferring assessments could impact on their ability to progress to the next stage of their course or to complete their course on schedule, so they are advised to consider their options carefully before deciding whether to defer.

Section C: Mitigating Circumstances and Concession Applications

- 5 Where a student is unable to attend an assessment due to illness or other valid cause (i.e., “mitigating circumstances”, or where their performance has been impaired due to a procedural defect in the conduct of an assessment, the student may apply for a concession by submitting the appropriate application form for their programme. Concession application forms can be found under the “Student Support for Assessments” organisation on Elite (<https://elite.law.ac.uk>).
- 5.1 Mitigating Circumstances are designed to deal with acute (i.e., short term) problems or conditions, whilst more chronic long term cases should be dealt with through reasonable adjustments agreed in advance with the University’s Disability Support and Inclusion Service.
- 5.2 Applications for Concessions must be submitted **within seven calendar days from the date of the assessment**. Applications received after seven days will be considered only if there are exceptional circumstances and the student gives a satisfactory explanation for the delay.
- 5.3 Students may submit a concession application in the following situations:
- they were absent from an assessment due to mitigating circumstances;
 - they were affected by a mitigating circumstance which arose or occurred during an examination, and which caused them to leave that assessment before the end, having not completed it;
 - following an assessment, the student feels that, due to mitigating circumstances, they were unable to make a rational decision at the time of the assessment whether they were fit , and therefore made a wrong decision to undertake it;
 - the student believes that their performance was impaired due to a procedural defect in the conduct of the assessment.
- 5.4 An application for Mitigating Circumstances will be considered by the University’s Mitigating Circumstances Panel with the following potential outcomes should the application be successful:

Category	Outcome if the concession is accepted by the Panel
Absent from assessment or non-submission	Student allowed an additional opportunity to attempt the assessment at the same stage. For example, if the student was due to sit their assessment as a first attempt (i.e, “1a”) and were absent, then they will be allowed to resit the assessment as an additional first attempt (i.e., “1b”). Likewise, a second attempt assessment will

Category	Outcome if the concession is accepted by the Panel
	<p>be sat as an additional second attempt and a third attempt assessment will be sat as an additional third attempt. Multiple additional attempts may be granted at the same assessment stage provided the student has an accepted concession application each time.</p>
<p>They were affected by a mitigating circumstance which arose or occurred during an examination</p>	<p>The student will be considered as being absent from the assessment and will be allowed to attempt another such examination at the same stage (as above).</p>
<p>Retrospective Not Fit-To-Sit</p>	<p>The student will be deemed absent from the assessment and be allowed to attempt another such assessment at the same stage (as above).</p> <p>The assessment result achieved at the first undertaking will be voided upon acceptance of the concession application.</p> <p>The Panel has discretion to void additional assessments beyond those included in a student's application if it feels that the mitigating circumstances had an impact beyond the assessments included in the student's application. In this situation, the Panel will require the student to undertake all reassessments as required. In considering such cases, the Panel may have regard to previous concession and assessment history and whether or not the assessments were passed or failed.</p>
<p>Procedural Defect</p>	<p>The student will be allowed to attend or submit another such assessment at the same stage.</p> <p>If a student has passed the assessment(s) they will still be offered an additional sitting at the same stage. They must inform the University of their intention to take up the offer of the additional sitting within seven days of receiving their result. If the University does not hear anything from the student then we will assume that they do not wish to sit again and their mark from the original attempt will stand.</p>

Category	Outcome if the concession is accepted by the Panel
	<p>The assessment result achieved at the first undertaking will be voided upon the subsequent undertaking of the next assessment (i.e., the mark for the additional sitting will overwrite the mark achieved in the original sitting, regardless of whether the students has passed or failed the assessment).</p> <p>If a student's assessment is marked using the classifications of competent / not yet competent or pass /fail (as opposed to a mark), the Panel will not offer an additional sitting if the student has passed or is competent, as the mark cannot be improved.</p>

Submitting an application on the grounds of Absence due to mitigating circumstances

5.5 For an application submitted on the grounds absence due to mitigating circumstances to be successful, a Mitigating Circumstances Panel must be satisfied that the event or situation referred to was:

- significant;
- unforeseen;
- beyond a student's control; and
- had an impact on their ability to attempt or complete an assessment.

5.6 Additionally, appropriate evidence must be submitted to support the application.

5.7 Typical scenarios that the University may recognise as a mitigating circumstance include:

- major ailment, examples include: a severe virus, infection, or debilitating acute health condition, complications in pregnancy; major accident or injury, hospitalisation including for operations;
- an acute episode of a chronic condition which has an impact and has not already been mitigated by any reasonable adjustments (such as adjusted deadlines);
- serious personal disruption, which may include:

- a) a recent bereavement of a close family member or friend;
- b) difficulties relating to care responsibilities which could not be mitigated;
- c) being the victim of, or witness to, a crime;
- d) legal proceedings which cannot be deferred such as jury service or court proceedings, and
- e) major travel disruption (e.g., rail strikes resulting in cancellation of services).

5.8 The following scenarios would not usually be recognised as a mitigating circumstance:

- minor ailments including: coughs, colds, mild headaches;
- alleged medical conditions without appropriate evidence or detailed subsequent evidence;
- self-induced conditions such as intoxication or hangover;
- routine stress associated with assessment or employment;
- poor time management or poor personal organisation;
- minor travel disruption (e.g., minor train delays, routine traffic delays);
- personal disruptions or events which could have been anticipated; such as holidays, weddings, changing address or employment, religious holidays or festivals which are usually known in advance.

Falling ill during an exam

5.9 Where a student falls ill during an examination, so that they are unable to complete it, and leave the examination room, they may submit a concession application to be considered absent from the assessment and be allowed to attempt another such examination at the same stage. Students are advised to make the invigilator aware that they have fallen ill, or, in the case of online proctored exams, to announce clearly, to the camera, that they are ending their exam due to ill health.

Submitting a concession application on the grounds of an inability to make a rational decision (Retrospective Not Fit-To-Sit)

5.10 If a student undertakes an assessment, they are declaring themselves fit to do so, meaning that they are feeling well and functioning effectively. However, if a student feels that they were unable to recognise or determine their own ill health at the time of the assessment, and therefore made an error in undertaking it, they may submit a concession application on the grounds of an

inability to make a rational decision due to mitigating circumstances. In this situation, students are required to explain in their concession application why the mitigating circumstances meant that they were unable to recognise or determine their own ill health at the time of the assessment i.e., make a rational decision.

- 5.11 When considering a concession application on these grounds, a Board of Examiners will consider:
- a) if the event or situation can be recognised as a mitigating circumstance
 - b) if the mitigating circumstance would result in an inability to make a rational decision
- 5.12 For both questions appropriate evidence must be submitted to support the application.

Submitting a concession application on the grounds of a Procedural Defect

- 5.13 This category should be used where a student wishes to explain how an issue with conduct of an assessment had a negative impact on their performance.

Procedural defects are external factors that occur during an assessment that generally affect more than one student.

Example of procedural defects include:

- Evacuation of an examination venue due to a fire alarm
- A very hot or very cold examination room
- Excessive noise (not a single short instance or the usual noise associated with a city centre location).
- A computer malfunction (if you use a computer supplied by the University for your assessment)
- A printing or other error on the assessment question paper (note that you should complete the assessment to the best of your ability and raise the issue after the end of the assessment)

Illness, transport problems, teaching quality, or neglecting to apply for special facilities in time are **not** considered to be valid examples of procedural defects.

Pre-approved Concessions (for students with University of Law Inclusion Plans)

- 5.14 Students may be granted a pre-approved concession as part of the Support Agreement Process, managed by the Disability Support and Inclusion Service.
- 5.15 Where a student has a Disability Support Agreement that includes a pre-approved concession, when completing a concession form in relation to the circumstances to which the pre-approved concession was agreed, they are not required to provide evidence, as this has already been accepted as part of their support agreement.
- 5.16 A pre-approved concession only relates to the circumstances identified within the Disability Support Agreement and cannot be applied to unrelated circumstances. In cases where an application is made due to circumstances unrelated to a student's pre-approved concession, the student will be required to follow the concessions policy in full.
- 5.17 An Examination Board will automatically accept a pre-approved concession and outcomes are detailed in the table presented under paragraph 5.4.

Evidence Requirements for Concession Applications

- 5.18 Evidence submitted in support of a concession application must clearly and directly relate to the grounds on which the student is claiming. Additionally, evidence supplied must confirm that the issue that impacted on the student occurred sufficiently close to the assessment (proximity). Any evidence must be from an authoritative and external source.
- 5.19 Evidence which is not in English must be translated and notarised prior to submission. The Board may reject evidence which cannot be confirmed as related to the corresponding concessions application.
- 5.20 The Board is under no obligation to contact students for additional evidence.

Mitigating Circumstance	Recommended evidence
Major ailment, examples include: a severe virus, infection, or debilitating acute health condition; complications in pregnancy; major accident or injury, hospitalisation including for operations.	Completed medical form attached to the concession application form, either stamped or confirmed via a signature by the medical practice or practitioner from whom the student received treatment. The University may also source records of the invigilators report, if relevant.
An acute episode of a chronic condition	Either:

which has an impact and has not already been mitigated by any reasonable adjustments (such as adjusted deadlines).	<p>1. Completed medical form attached to the concession application form, either stamped or confirmed via a signature by the medical practice or practitioner from whom the student received treatment. The University may also source records of the invigilators report, if relevant.</p> <p>2. If You have a pre-approved concession as part of your University of Law Inclusion Plan (ULIP) please submit your ULIP.</p>
A recent bereavement of someone close.	Death certificate, or confirmation of treatment from bereavement counselling services, or other external agencies where relevant.
Difficulties relating to care responsibilities which could not be mitigated.	Evidence which clearly explains the circumstances and how these affected you, this may be medical evidence, or a letter from an authoritative source, such as childcare or school settings, or other relevant external agency.
Being the victim of, or witness to, a crime.	Police report, crime reference number, victim support documents or court summons.
Legal proceedings which cannot be deferred such as jury service or court proceedings.	A letter from the court or a court summons, or a solicitor, or other external agencies where relevant, or a copy of your jury summons form.
Major travel disruption.	Evidence from the travel operating company which details the date, time and details of the disruption, or news item where relevant.
Procedural defect	Evidence relating to the issue, supporting statements, and invigilator's report (which the University will source, if available).

5.21 When obtaining supporting evidence from a medical professional, students are advised to use the medical form attached to their concession application form. This will help ensure that all necessary information is supplied.

5.22 Where a student is submitting a concession application on the grounds that they had an inability to make a rational decision, they must obtain evidence that explicitly states that they were not capable of making a rational decision at the time of the assessment, or something similar. It is not enough, for example, to simply provide evidence of ill health.

- 5.23 Additional requirements regarding evidence to support a concession:
- a) The evidence must be from an independent, authoritative, source, such as doctor or other licensed and recognised medical practitioner whom the student is currently being treated by.
 - b) The evidence needs to match the circumstances.
 - c) The evidence must match the date (s) of the circumstances.
 - d) The evidence must be new and cannot be used on subsequent forms.
 - e) Evidence provided in a language other than English must be accompanied by an independent professional translation.
- 5.24 Concession applications are treated as confidential, and any information submitted will be used only to determine the validity of the claim.

Section D: Appeals and Support

Appealing an Extension, Deferral or Concession Decision

- 6.1 If a student wishes to appeal a decision of an extension, deferral or concession application outcome, then they may appeal to the Examination and Award Board using the University's Academic Reviews and Appeal Policy available at <https://www.law.ac.uk/policies/>
- 6.2 The University has separate procedures for dealing with academic appeals and reviews, student complaints and concerns raised by a member of the student population, prospective students, or other affected stakeholders.

Support

- 6.3 Staff cannot advise students on whether to attend / submit an assessment or on the likely outcome of an extension, deferral or concession application, however, staff may signpost students to wellbeing and support staff who may be best placed to provide other support.

Responsibility for the provision

- 7 Responsibility for the effective implementation of the Extensions, Deferrals and Mitigating Circumstances Policy lies respectively with the Academic Registrar.

Glossary

Authoritative source	A trained and registered professional who is independent from the student submitting a
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	concession application and independent from the University.
Mitigating Circumstance	A mitigating circumstance is a significant and unforeseen event or situation, which is beyond a student's control and has an impact on their ability to attempt or complete an assessment.
Pre-approved Concession	A part of a Disability Support Agreement which allows a student to utilise the University's Concession Policy but without the requirement to submit further supporting evidence for each concession application.

Version history:

Version	Amended by	Revision summary	Date
V0.1	Head of Awards Integrity & Standards Assurance	Initial drafting	07/09/22
V0.2	Student' Union Co Presidents	Amendments	16/09/22
V0.3	Academic Regulation & Policy sub-committee	QA group	11/10/22
V1.0	Academic Board	Approval	20/10/22
V1.1	Head of Quality Assurance	Minor amendment to para 6.1	08/12/22
V1.2	Head of Awards Integrity & Standards Assurance	Amendment to para 3.8	14/08/23