Mitigating Circumstances Policy and Procedures

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1. Purpose

1.1 The Engineering College of Technology (ECT) recognises that students may experience circumstances or events during their students that adversely affect their ability to participate in assessments, submit work by published deadlines, or perform to their usual academic standard.

1.2 The purpose of this policy and procedure is to set out the process by which students may submit claims for mitigating circumstances, including requests for short extensions and, where necessary, deferred assessment attempts, and the arrangements through which ECT will consider such claims in a fair, transparent and timely manner.

1.3 These procedures are designed to ensure that claims are handled consistently and proportionally, that students are treated equitably, and that the impact of unforeseeable or unavoidable circumstances on academic outcomes is minimised, while maintaining the integrity of academic standards and assessment processes. All mitigation processes and associated academic support provided under these procedures are offered at no financial cost to students, in accordance with UK consumer protection legislation.

2. Scope

2.1 These procedures set out the process for the submission, consideration, and decision-making of students' claims for mitigating circumstances, including the review of evidence and determination of appropriate outcomes, such as short extensions or deferred assessment attempts.

2.2 These procedures apply to:

- All students enrolled on ECT's undergraduate and postgraduate taught programmes, regardless of mode or place of study.
- All forms of assessment, including coursework, examinations and other assessment activities.
- Requests for short extensions (up to 7 calendar days) and deferred assessment attempts, which are considered part of the mitigating circumstances arrangements.

2.3 Claims must be supported by appropriate evidence, as detailed in these procedures. All claims will be handled in accordance with UK GDPR and ECT's confidentiality requirements. Mitigating circumstances arrangements apply equally to disabled students, including where a disability or fluctuating medical condition impacts assessment performance. Consideration of such claims will be made in line with the Equality Act 2010 and alongside any agreed reasonable adjustments, ensuring fair and equitable treatment without disadvantaging the student.

2.4 All processes described in this document will be delivered in accordance with the following principles:

- Data Protection: All personal data, including special category data, will be processed lawfully, fairly, and transparently in compliance with UK GDPR, the Data Protection Act 2018, and ECT's confidentiality requirements.

- Safeguarding: Where wellbeing or safety concerns arise, cases will be escalated promptly to the Designated Safeguarding Lead (DSL) in line with ECT's Safeguarding Policy and Prevent responsibilities.
- Accessibility and Inclusivity: All support processes will be adapted for remote learners, including digital accessibility, time zone considerations, and provision of recorded sessions where appropriate. Reasonable adjustments will be provided in compliance with the Equality Act 2010.
- Transparency: Information about student support processes, including mitigating circumstances and related procedures, will be published in durable formats on ECT's website and Virtual Learning Environment (VLE) in compliance with CMA guidance.
- Continuous Improvement: ECT will monitor usage patterns, feedback, and emerging best practice to prevent misuse and inform ongoing enhancement of these procedures.

3. Grounds for Mitigation

3.1 This section outlines the examples of circumstances that may or may not be accepted as grounds for a mitigating circumstances claim. These examples are provided to ensure transparency and consistency; however, each claim will be considered on its individual merits, considering the evidence provided and the impact on the student's ability to meet assessment requirements.

3.2 Important Notes:

- Mitigation does not guarantee a specific outcome and will not compromise academic integrity or competence standards.
- Exceptions may apply where circumstances relate to a disability, pregnancy or safeguarding concern, in line with the Equality Act 2010 and ECT's Safeguarding Policy and Procedures.
- Examples are reviewed periodically to ensure alignment with sector norms and student feedback.

Examples of Circumstances Typically Considered for Mitigation

3.3 The following examples illustrate circumstances that are normally accepted as grounds for a mitigating circumstance claim. This list is not exhaustive, and other circumstances may be considered where they meet the definitions set out in this policy (unforeseeable, unavoidable and beyond the student's control):

a) Health and Wellbeing
   - Serious illness, injury or mental health condition.
   - Unexpected deterioration or fluctuation of an ongoing physical or mental health condition or disability.
   - Symptoms of an infectious disease where attendance or participation pose a risk to others.

b) Family and Personal Circumstances
   - Bereavement or critical illness affecting a close family member or friend.
   - Pregnancy-related complications or circumstances impacting study or assessment.
     - A risk assessment and tailored study plan may be required.

- Significant personal or family crises leading to acute stress, such as:
    - Unexpected caring responsibilities for a dependent.
    - Witnessing or experiencing a traumatic incident or crime.
    - Major financial crisis or other serious personal emergencies.

c) Technical and Resource Issues
- Verified IT failure (e.g. network or hardware) at the point of submission, occurring after the standard 24-hour grace period for routine issues.
- Inability to access specialist software or equipment essential for completing an assessment, where the resource is provided by ECT and has failed.

d) Accommodation and Living Situations
- Accommodation crisis, such as eviction or the home becoming uninhabitable.

e) Civic Duties and Legal Obligations
- Disruption of studies due to compulsory public service, such as jury duty or national service.

f) Employment-Related Circumstances (Part-Time Students)
- Unforeseen, urgent demands from an employer.
- Significant change in employment circumstances that directly impacts study.

g) Religious Observance
- Religious observance that coincides with scheduled assessment events.

h) Emergencies
- An emergency or crisis that prevents attendance at an exam or access to an online assessment.

3.4 Students must submit appropriate supporting evidence digitally. Where evidence is provided in a language other than English, certified translations will be required.

Examples of Circumstances Typically Not Considered Grounds for Mitigation

3.5 The following examples illustrate circumstances that are not normally accepted as grounds for a mitigating circumstances claim. This list is not exhaustive; each claim will be considered on its individual merits. In exceptional cases, mitigation may be approved where the impact on academic performance was disproportionate, could not reasonably have been managed through normal study planning, and is supported by clear, credible evidence.

3.6 Examples include:

a) Planned or Foreseeable Events
- Holidays, house moves or other events that were planned in advance or could reasonably have been anticipated.

b) Minor Illness
- Common colds, hay fever or similar minor ailments, unless symptoms were unusually severe and demonstrably affected assessment performance.

c) Administrative or Procedural Oversights
- Misreading timetables or deadlines.
- Misunderstanding assessment requirements.
- Poor planning, time management or workload distribution.

d) Avoidable Technical Issues

- Loss, theft or failure of personal IT equipment that prevents timely submission of work, where reasonable steps could have been taken to back up work or access alternative facilities.
- Routine connectivity issues or time zone challenges that could have been anticipated and managed.

e) Normal Exam Stress
- General stress or anxiety related to exams and deadlines, unless linked to a previously undiagnosed or newly emerging medical or mental health condition.

f) Minor Life Events
- Day-to-day personal issues, unless the cumulative or specific impact had a demonstrable and disproportionate effect on the student's ability to meet assessment requirements.

3.7 Where mitigation is not approved, students will be provided with reasons for the decision and informed of their right to challenge the outcome through the appropriate appeals process.

4. Submission of Claims for Mitigating Circumstances

4.1 Students who believe their ability to complete or perform in an assessment has been adversely affected by unforeseeable or unavoidable circumstances must follow the steps below. These procedures apply to requests for short extensions and mitigating circumstances claims, including deferred assessment attempts.

a) Seek Advice

- Students should contact the Student Experience Manager (SEM) as soon as possible for advice and guidance. The SEM will explain requirements, timescales and evidence expectations. They will not normally submit claims on behalf of students, except where exceptional circumstances apply.

b) Choose the Correct Form

Forms related to mitigating circumstances can be found on the Virtual Learning Environment, Moodle, and will be submitted automatically to the hesupport@ect.ac.uk inbox for processing. Students should select the correct form according to the type of request, as outlined below:

- **Assessment Extension Request Form**
  This form should be used if a student requires a short extension due to mitigating circumstances, of up to 7 calendar days, on a coursework deadline. Requests must be submitted before the published deadline for the assessment.
  Important: Students should submit short extension requests as early as possible and normally at least 2 working days before the published deadline. Requested submitted less than 24 hours before the deadline may not be processed in time, and students should submit work by the original deadline unless approval is confirmed.
- **Mitigating Circumstances Form**
  This should be used if:

- The claim is submitted after the assessment deadline (normally within 10 working days of the affected assessment), or
- The student requires more than 7 days, or
- The assessment is time-limited (e.g. online exam or test)

4.2 Both forms are available via the Student Support Hub on Moodle and evidence can be uploaded directly when completing the form.

c) Submit the Claim

- Students must submit the completed form and supporting evidence digitally. Claims should be made as soon as the student becomes aware of the circumstances and within the published timescales. Late claims will not normally be accepted unless supported by strong and credible evidence explaining why it was not reasonably possible to notify ECT earlier.

d) Third-Party Submission

- Where a student is unable to submit a claim due to serious illness, incapacity or hospitalisation, a third party (e.g. family member or close contact) may submit the claim on the student's behalf. The form includes a section to confirm third-party submission and the reason.

e) Provide Supporting Evidence

- All claims, including requests for short extensions, must be supported by appropriate, independent documentary evidence. Evidence must:
  - Clearly identify the student by name.
  - Be in English or accompanied by a certified translation.
  - State the name, position and signature (or professional authentication) of the author.
  - Be relevant to the assessment period affected.

Digital copies are accepted. Self-certification is not permitted for extensions or mitigating circumstances claims; independent evidence is required for all claims.

5. Retrospective Mitigation

5.1 In accordance with the 'fit to sit' principle, students who submit coursework or attend an examination are normally deemed to have declared themselves fit to undertake the assessment and that no mitigating circumstances were affecting their performance at that time. As a result, claims for retrospective mitigating circumstances will not normally be accepted. Exceptions may apply where credible evidence from a registered and suitably qualified medical practitioner confirms that a certified illness or condition prevented the student from exercising reasonable judgement at the time. Where retrospective claims raise wellbeing or safeguarding concerns, The SEM must escalate to the Designated Safeguarding Lead (DSL) in line with ECT's Safeguarding Policy and Procedures.

Service Standards

- Acknowledgement within 2 working days.
- Decisions on short extensions within 2-3 working days.

- Decisions on mitigating circumstances claims within 10 working days.

Compliance and Transparency

- All claims and evidence will be handled in accordance with UK GDPR and ECT's confidentiality requirements.
- Mitigation does not guarantee a specific outcome and will not compromise academic integrity or competence standards.
- Guidance and forms are published in durable formats (Moodle Student Support Hub) to ensure compliance with CMA requirements.
- Mitigating circumstances arrangements apply equally to disabled students, in line with the Equality Act 2010, and will be considered alongside any agreed reasonable adjustments.

6. Stages for Considering Claims for Mitigation

6.1 Claims for mitigating circumstances are considered through a structured process to ensure fairness, transparency, and consistency. The process comprises three stages:

- **Stage 1: Initial Review and Recording** – Checks completeness, eligibility, and evidence, and determines the appropriate route (short extension or mitigating circumstances claim).
- **Stage 2: Panel Consideration** – For eligible mitigating circumstances claims requiring formal decision-making, the Mitigating Circumstances Panel reviews the case and recommends an outcome.
- **Stage 3: Assessment Board Confirmation** – Where a claim affects assessment outcomes, the resulting decision will be formally confirmed by the relevant Assessment Board in accordance with academic regulations.

6.2 This staged approach ensures that all claims are handled proportionately, with clear accountability and published service standards.

Stage 1: Recording and Initial Review

6.3 The purpose of stage 1 is to record the claim, check completeness and eligibility against policy and determine the correct route and next action within published service standards. Claims include:

- Short extensions (<7 calendar days; on coursework deadlines).
- Mitigating Circumstances claims (post deadline; > 7 days; time-limited assessment; retrospective/complex cases).

6.4 All submissions are logged on receipt, with timestamp, assessment(s) affected and evidence list.

Stage 1 for Short Extensions

6.5 The LSO will review whether the request:

- Was submitted before the published assessment deadline (normally at least 2 working days prior; requests <24 hours before the deadline may not be processed in time and students should submit by the original deadline unless approval is confirmed).

- Relates to acceptable grounds for mitigation (unforeseeable, unavoidable, beyond the student's control).
- Is supported by appropriate, independent evidence that covers the affected period and is from a credible source (in English or with certified translation) and identifies the student.
- Clearly identifies the assessment(s) affected and the length of the extension requested (up to 7 calendar days).

Outcomes at Stage 1 (short extensions):

- Approved short extension (new deadline issued; record created).
- Not approved (reasons provided and signpost to Mitigating Circumstances Claim if appropriate).
- Re-route to Mitigating Circumstances where: the issue exceeds 7 days, concerns a time-limited assessment or evidence indicates broader/ongoing impact.

6.6 The LSO communicates the decision in writing within 2-3 working days of a complete request, giving reasons and next steps.

Stage 1 for Mitigating Circumstances Claims

6.7 The Student Experience Manager (SEM) will review whether the claim:

- Was submitted within the requirement timeframe (normally no later than 10 working days after the affected assessment) or includes a credible explanation for late submission.
- Relates to one or more acceptable grounds for mitigation as set out in the Mitigating Circumstances Policy.
- Is supported by appropriate, credible and independent evidence that covers the affected period, substantiates the impact on assessment performance and identifies the student (and translation/authentication where applicable).
- Clearly identifies the assessment(s) affected and whether the claim concerns multiple assessments.
- Flags any retrospective elements (fit-to-sit exceptions) or safeguarding concerns (for DSL escalation).

6.8 The SEM determines whether there is sufficient evidence that the circumstances had or could reasonably have had a material adverse impact on assessment performance.

Outcomes at Stage 1 (mitigating circumstances claims):

- Proceed to Panel (case complete and eligible; forwarded to Mitigating Circumstances Panel).
- Request further information/evidence (within a specified deadline).
- Not accepted at Stage 1 (with reasons and signpost to submit new evidence or to the complaints route per the Student Complaints Procedure after the Panel stage, as applicable).

Routing and timelines:

- Complete and eligible claims are forwarded to the Mitigating Circumstances Panel within 10 working days of receipt.
- Late claims are reviewed by the SEM to determine whether hospitalisation/incapacity or equivalent reasons prevented earlier notification; where accepted, the claim proceeds; where not, the SEM communicates non-acceptance with reasons.

6.9 Communication: The SEM communicates the Stage 1 outcome in writing (acknowledge within 2 working days; next action within the overall 10 working days decision standard for mitigation cases).

Reasons for Non-Approval at Stage 1 (Short Extensions and Mitigating Circumstances Claims)-Approval at Stage 1

6.10 A claim/request may not be approved (or may be rejected at Stage 1) where, for example:

- It is outside the required timeframe and no credible explanation for lateness is provided; and/or
- The circumstances are not valid grounds under the Mitigating Circumstances Policy; and/or
- The evidence does not meet the required standard, including where it:
    - Does not cover the relevant assessment period;
    - Is not provided by an appropriate/credible source or lacks authentication;
    - Is insufficient to demonstrate seriousness or impact;
    - Does not substantiate the claimed adverse effect; or
- The evidence relates to an ongoing/repeat circumstance previously ruled not suitable for repeated mitigation, with guidance already provided to access alternative support.
- No evidence is provided and no credible explanation is given for its absence or when it will be supplied.

6.11 If an application is not approved, the communication will be sent by the person who assessed it. This will be the Learning Support Officer for short extension requests, and the Student Experience Manager for mitigating circumstances claims.-extension requests, and the Student Experience Manager for mitigating-circumstances claims.

Recording and Data

6.12 All Stage 1 decisions (including approvals, non-approvals, reroutes, and requests for further information) are recorded against the student record along with evidence, reasons, and communications, in line with the institution's records and retention schedule.-approvals, re-routes, and requests for further information) are recorded against the student record along with evidence, reasons, and communications, in line with the institution's records and retention schedule.

Stage 2: Panel Consideration and Determination of Outcome

6.13 Claims that meet Stage 1 requirements and require formal decision-making will be considered by the Mitigating Circumstances Panel. Short extension requests are normally resolved at Stage 1 and do not proceed to Panel.

Composition and Independence

6.14 The Panel comprises:

- Chair: Head of Academics and Operations
- Member 1: Quality Assurance and Compliance Manager
- Member 2: One academic member of staff not associated with the student's programme

6.15 Panel members must not have been involved in the teaching, assessment, supervision, or direct support of the student whose claim is under consideration. Conflicts of interest must be declared and managed to ensure independence and procedural fairness.

Meetings and Timeliness

6.16 The Panel meets regularly throughout the academic year and may convene virtually to ensure timely consideration. Decisions are normally communicated to students within 10 working days of the Panel's consideration, in line with ECT's service standards.

Determination of Outcomes

6.17 The Panel considers:

- The nature, timing, and severity of the circumstances;
- The evidence provided; and
- The impact on assessment performance.

6.18 Outcomes must be proportionate, evidence-based, and designed to remove disadvantage without conferring academic advantage. Approved outcomes may include:

- Deferred assessment attempt at the next available opportunity (with notation recorded);
- Alternative assessment format, where academically appropriate and permitted by regulations;
- Reassessment opportunity without penalty, where justified;
- Module retake, where no other remedy is suitable.

6.19 Short extensions (≤7 days) are not normally determined by the Panel.

Confirmation by Assessment Board

6.20 All outcomes affecting assessment decisions are formally confirmed by the relevant Assessment Board at its next scheduled meeting, in accordance with ECT's Academic Regulations and Assessment Board Policy. .

Communication of Outcome

6.21 The Panel communicates its decision to the Student Experience Manager, who:

- Records the outcome in the student's record;
- Notifies the student directly in writing, normally within 10 working days, providing:
    - The decision and reasons;
    - Details of any approved remedy; and
    - Information on the right to request a review or submit an appeal under the Student Complaints Policy and/or the Academic Appeals Policy and Procedures.

6.22 The Learning Support Officer is copied for any administrative actions required (e.g., updating deadlines or systems).

6.23 Where safeguarding concerns arise during Panel review, these must be escalated immediately to the Designated Safeguarding Lead (DSL).

Stage 3: Conclusion of the process and record-keeping

Record-Keeping and Documentation

6.24 The Mitigating Circumstances Panel will ensure that clear and accurate written records of its deliberations are maintained in line with Office of the Independent Adjudicator (OIA) Good Practice Framework. Records will include:

- Meetings held and attendees;
- Evidence considered;
- Decisions taken and reasons for those decisions;
- The final outcome of each claim.

6.25 Records will be retained for both approved and declined claims, as they may be required for internal review, Academic Appeals, or external consideration by the OIA. All records will be:

- Securely stored and accessed only by authorised staff on a need-to-know basis;
- Retained in accordance with UK GDPR, the Data Protection Act 2018, and ECT's data retention schedule (normally six years post-decision);
- Managed by the Student Experience Manager, who oversees compliance and retention.

Confirmation by Assessment Board

6.26 All outcomes affecting assessment decisions are formally confirmed by the relevant Assessment Board at its next scheduled meeting, in accordance with ECT's academic regulations. This confirmation ensures academic integrity and governance compliance.

Monitoring and Escalation of Repeated Claims

6.27 Where a student submits multiple claims for mitigating circumstances, the Student Experience Manager will report this pattern to the Head of Academics and Operations for consideration. This supports early identification of ongoing academic, wellbeing, or engagement issues and ensures appropriate interventions, including:

- Referral to relevant student support services;
- Application of the Students at Risk of Academic Failure framework where appropriate;
- Escalation to the Designated Safeguarding Lead (DSL) if concerns about vulnerability or wellbeing arise.

7. General terms and conditions

Student Appeals

7.1 Students may not appeal directly against an Assessment Board decision relating solely to the outcome of a mitigating circumstances claim. However, a student may submit an appeal after receiving the decision of the Mitigating Circumstances Panel, in the circumstances set out in the Mitigating Circumstances Policy and the Academic Appeals Policy.

7.2 Any appeal must be submitted and considered in accordance with ECT's Academic Appeals Policy and Procedures, including the published stages, grounds, and timescales for appeal. Appeals may only be made on the permitted grounds, such as:

- Procedural irregularity;
- New and material evidence that was not reasonably available at the time of the original decision; or
- Disproportionate or unreasonable decision-making.

7.3 Upon completion of ECT's internal appeals process, students will be issued with a Completion of Procedures (COP) letter and informed of their right to refer the matter to the Office of the Independent Adjudicator for Higher Education (OIA) within the applicable OIA time limits.

Support to students

7.4 Learning Support Officers (LSOs) are the first point of contact for students seeking advice or support in relation to mitigating circumstances. LSOs will:

- Provide guidance on the process for submitting a mitigating circumstances claim or request for a short extension, including explaining requirements, timescales, and evidence expectations;
- Support students in completing forms and uploading evidence digitally, ensuring accessibility for remote learners;
- Refer students to additional academic, wellbeing, or pastoral support where appropriate, including the Students at Risk of Academic Failure framework and safeguarding support where concerns arise.

7.5 LSOs are responsible for handling short extension requests and providing advice on mitigating circumstances claims. Completed mitigating circumstances claims are escalated to the Student Experience Manager (SEM) for review and, where appropriate, referral to the Mitigating Circumstances Panel.

Confidentiality

7.6 ECT is committed to handling personal data lawfully, fairly, and transparently in accordance with the UK GDPR, the Data Protection Act 2018, and ECT's Data Protection Policy and Procedures. All claims for mitigating circumstances will be treated confidentially.

7.7 Information provided by students will be disclosed only to those members of staff who are directly involved in the consideration, administration and monitoring of mitigating circumstances claims, and only on a strict need-to-know basis. Digital submissions and evidence will be stored securely and accessed only by authorised staff.

7.8 Confidentiality may be overridden in limited circumstances, including:

- Where there is a concern that a student's health, safety, or wellbeing, or that of others, may be at risk.
- Where a student is considered to be at serious risk of harm, abuse, or exploitation.

- Where a student's behaviour or health requirements significantly compromise ECT's ability to meet its responsibilities to other students, to the extent that their academic progress may be seriously adversely affected; or
- Where disclosure is required by law or by a relevant regulatory or safeguarding obligation.

7.9 In such cases, information will be shared proportionately and appropriately, in line with ECT's Safeguarding Policy, and only to the extent necessary to manage the risk or meet legal or regulatory requirements. Where safeguarding concerns arise, these will be escalated immediately to the Designated Safeguarding Lead (DSL).

Disabilities, Mental Health conditions and other ongoing medical conditions

7.10 Students with a disability, mental health condition, or ongoing medical condition are encouraged to disclose this at any stage; prior to admission, during enrolment, or throughout their studies. Early disclosure enables ECT to plan and implement support promptly.

7.11 Where a condition is disclosed, the student will be referred for assessment by a qualified support team, and an Individual Learner Plan (ILP) will be developed. The ILP will outline agreed reasonable adjustments and support measures in compliance with the Equality Act 2010 and ECT's Student Support Policy and Procedures. ILPs will be reviewed periodically and updated as needed.

7.12 Once reasonable adjustments have been agreed and implemented through an ILP, the condition will normally be managed through those adjustments rather than through the mitigating circumstances process. Mitigating circumstances may be considered where:

- There is an unexpected or significant fluctuation in the student's condition.
- A new or unforeseen episode arises that is not adequately addressed by existing adjustments.
- The timing or severity of the impact means reasonable adjustments alone are insufficient for a specific assessment.

7.13 In such cases, the ILP may constitute sufficient evidence for granting a short extension (normally up to 7 calendar days) where appropriate. Students must still submit a mitigating circumstances claim and explain how the fluctuation or episode relates to the affected assessment(s).

7.14 Where the impact of a fluctuation or episode is such that a short extension would not be sufficient, students may be required to provide additional supporting evidence, unless the nature of the assessment means that an extension is not possible.

7.15 Where disability-related or medical support needs arise after the commencement of a programme, students will be provided with appropriate support and guidance in accordance with the Student Support Policy and Procedures. Where the condition has an immediate impact on assessment activity, the Mitigating Circumstances

Procedures may be used for affected assessments until appropriate reasonable adjustments have been agreed and implemented.

Fraudulent evidence or misleading claims

7.16 ECT reserves the right to audit and verify mitigating circumstances claims and any supporting evidence submitted. Where a claim is suspected to be fraudulent, misleading, or intentionally false, the matter will be investigated under ECT's Academic Misconduct Policy and Procedures, which set out the applicable standards, investigation process, and potential sanctions.

7.17 Investigations will be conducted fairly, proportionately and independently, ensuring that:

- The student is informed of the concern and given the opportunity to respond.
- Decisions are evidence-based and documented.

7.18 Where a claim is upheld as fraudulent or misleading, sanctions may be applied in line with the Academic Misconduct Policy and Procedures and may include, in serious cases, termination of the student's enrolment, subject to due process and the student's right to appeal under the Academic Appeals Policy and Procedures.

8. Legal rights and obligations

8.1 Nothing in these procedures limits or removes the rights of students or prospective students to act under UK consumer protection legislation, nor does it prevent them from pursuing any other legal remedies available to them.

8.2 These procedures do not remove or reduce ECT's obligation to comply with all applicable UK laws and regulatory requirements, including:

- Consumer Rights Act 2015 and Competition and Markets Authority (CMA) guidance.
- Equality Act 2010 and associated regulations.
- Data Protection Act 2018 and UK GDPR.

8.3 ECT will ensure that assessment-related processes, including mitigating circumstances, decision-making, communications, and published deadlines, are applied fairly, transparently, and consistently, in line with its duties under UK consumer protection law and equality legislation.

8.4 No provision within these procedures shall supersede, restrict, or override the application of UK consumer protection legislation or any other UK laws or regulations recognised by the UK Government that apply to the implementation of these procedures. These obligations apply to all students, including those studying remotely or outside the UK.

8.5 ECT will review these procedures regularly to ensure ongoing compliance with legal and regulatory requirements and will publish updates in accessible formats.

9. Accountabilities

9.1 The Academic Board is responsible for the approval and annual review of this policy. The policy is to be implemented via induction and training of staff and distribution to students, potential students and ECT's community via the website, other publications and at student induction.

9.2 To support quality assurance, transparency, and continuous improvement, an annual report on mitigating circumstances outcomes, including trends, volumes, decision patterns, and any equality or accessibility considerations, will be presented to the Academic Board. The report will inform policy review, enhancement activity, and academic planning.

10. Definitions

Extension - An approved allowance of additional time for a student to submit an assessment where a claim for mitigating circumstances has been accepted.

Fit to Sit - A principle whereby, by submitting coursework or attending an examination, a student declares themselves fit to undertake the assessment and confirms that no mitigating circumstances were affecting their performance at that time, unless mitigation has been approved in advance or exceptional circumstances apply.

Mitigating Circumstances - Unforeseeable and/or unavoidable events or circumstances relevant to the student making the claim that could have, or have had, a significant adverse impact on the student's ability to prepare for, undertake, or perform in an assessment. Such circumstances may arise during the assessment itself or in the period immediately preceding it.

Retrospective Mitigation - A claim for mitigating circumstances submitted after an assessment has been completed or an examination has been sat.

Statement of Support Needs (SoSN) - A document that summarises a student's diagnosis, impairment, or learning need and recommends reasonable adjustments tailored to the student's individual circumstances. The SoSN informs the provision of academic support and adjustments in accordance with the Equality Act 2010.

Unforeseeable - An event or circumstance that a reasonable student could not have anticipated.

Unavoidable - An event or circumstance that it would not have been reasonable for the student to prevent or avoid.

Data Processing and Confidentiality - For the purposes of these procedures, data processing refers to the collection, use, storage, and sharing of personal and special category data, including health or medical information, submitted as evidence in support of a mitigating circumstances claim. Such information will be handled confidentially, accessed only by authorised staff on a strict need-to-know basis, and processed in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, and ECT's Data Protection and Records Management policies.

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