

Birmingham City University

Extenuating Circumstances Procedure

This Procedure was amended on 10 January 2022 to reflect the introduction of a new electronic system for claiming extenuating circumstances. At the same time, details of the appeal stage of the Extenuating Circumstances Procedure were updated in order to reflect current casework practice more accurately.

This Procedure is due for further review in spring 2022, with the intention to introduce a more substantively revised Procedure in time for the 2022/23 academic year.

Introduction

As students go through the process of examination and assessment, the University recognises that there may be sudden, unforeseen and temporary circumstances which affect performance in assessment. This document sets out the process for making the University aware of these circumstances and for managing how the impact of these circumstances on your ability to perform in an assessment can be taken into consideration.

The procedure is governed by Section 7 of the University's Academic Regulations: Assessment, Progression and Awards and the procedure should be read in conjunction with that Section.

You must make sure you organise your time so that you can complete your assessments by the deadline set or be prepared for your exam. You need to build in some extra time in case everything does not go according to plan. You must also back up your work in case your computer fails or you lose it.

You should make every effort to attend an exam or submit your coursework even if you believe your performance will be affected by extenuating circumstances. Any impact on your performance will be reviewed if you have a successful EC claim.

Application and Purpose

This procedure applies to all current BCU students and to all BCU students studying with collaborative partners under franchise arrangements from the 2018-19 academic year onwards.

This procedure only applies to students studying with collaborative partners under validation arrangements from 2018-19 if the partner has chosen to adopt the University's Academic Regulations.

Claiming extenuating circumstances

An extenuating circumstances claim can be submitted in the following assessment situations:

- Late submission of assessment

- Impaired performance in an assessment submitted on time and/or in-person assessment (examination) taken on scheduled date, where the assessment performance is seriously impaired
- Non-submission of assessment
- Absence from an in-person assessment (examination or test)
- Forthcoming absence from in-person assessment, or an anticipated non-submission or claim for late submission

We will consider your claim which may result in you being given another assessment opportunity, or having a late penalty removed, enabling you to demonstrate your ability in the affected assessment/s.

What are extenuating circumstances?

Extenuating circumstances are personal circumstances that:

- you could not have predicted would happen;
- you have no control over; and
- have seriously affected your ability to do your assessment.

The following are non-exhaustive examples of claims which are likely to be accepted provided that the evidence is appropriate (see page 6):

- Sudden and unforeseen physical or mental illness that hinders your academic performance in assessment
- Serious illness of a close family member which means you need to provide significant caring support that you had not planned for
- Death of someone close to you and the effects of grief following the death of someone close to you
- Unexpected and significant increase in your employment workload that is beyond your control (only if you are a part-time student)

Claims based on any of the following will not be successful:

- Assessments that took place in a previous academic year
- A long-term health condition that we have already made reasonable adjustments for under a disability support summary or occupational health assessment, unless you suffer a sudden and unexpected worsening of your symptoms, or the adjustments were put in place after your assessment.
- A holiday (you must make sure that you do not take holidays that affect your learning or assessment)
- A computing, IT, or printing failure (unless a relevant part of the University network is affected)
- Failing to allow for reasonable delay (for example, not allowing enough time to print your assessment work or for moderate travel delays)
- Making a mistake in reading the exam timetable or location details.

Types of claim

You can submit an extenuating circumstances claim for the following outcomes:

- A coursework extension of 10 working days. The extension is fixed at 10 working days and runs from your original assessment deadline. A deadline can only be extended once.
- A review of your performance for consideration of a new attempt (called a Sit) in the next available assessment period. This includes situations where you have not attempted an assessment. Your original mark will be set aside and any mark you receive in a Sit will replace your original mark, whether it is better or worse. A review is relevant in the following situations:
 - You have missed your original assessment deadline (not including any extension) by more than 10 working days due to extenuating circumstances
 - You know you will miss an in-person assessment due to extenuating circumstances
 - You think your performance in an assessment was significantly affected due to extenuating circumstances
- A DSS-related repeat assessment or re-mark where you have had a Disability Support Summary (DSS) put in place during the academic year and either wish to attempt an assessment again with reasonable adjustments in place or have work remarked with reasonable adjustments taken into account. Re-marking work already submitted is only suitable for certain disabilities and you should speak to a Disability Adviser before applying.

Timing of claims

The process for considering extenuating circumstances is arranged according to the dates of assessments and Progression and Award Boards (PABs).

For any assessment, from 10 working days before the date of the relevant PAB until the end of the academic year you cannot submit a claim for extenuating circumstances (unless you are requesting a DSS-related repeat or remark). This is to ensure that PABs have all available information when considering and confirming your results. Claims submitted during this time will be treated as ineligible and students will be advised to submit appeals instead after the PAB has taken place.

If you feel unwell at the time of the assessment then you should obtain evidence demonstrating that you are unwell, in case you need it to support a claim. You should submit any claim as soon as possible after the assessment deadline. If you submit a claim more than 5 working days after the assessment deadline, you will also need to provide evidence to explain your delay in claiming.

Awaiting your provisional results will not be accepted as a reason for delay in making a claim.

Example 1

You feel unwell in advance of an exam but not too ill to attend, so you decide to sit the exam. Afterwards, you realise that you were not unwell but simply nervous about sitting the exam. You do not make a claim.

Example 2

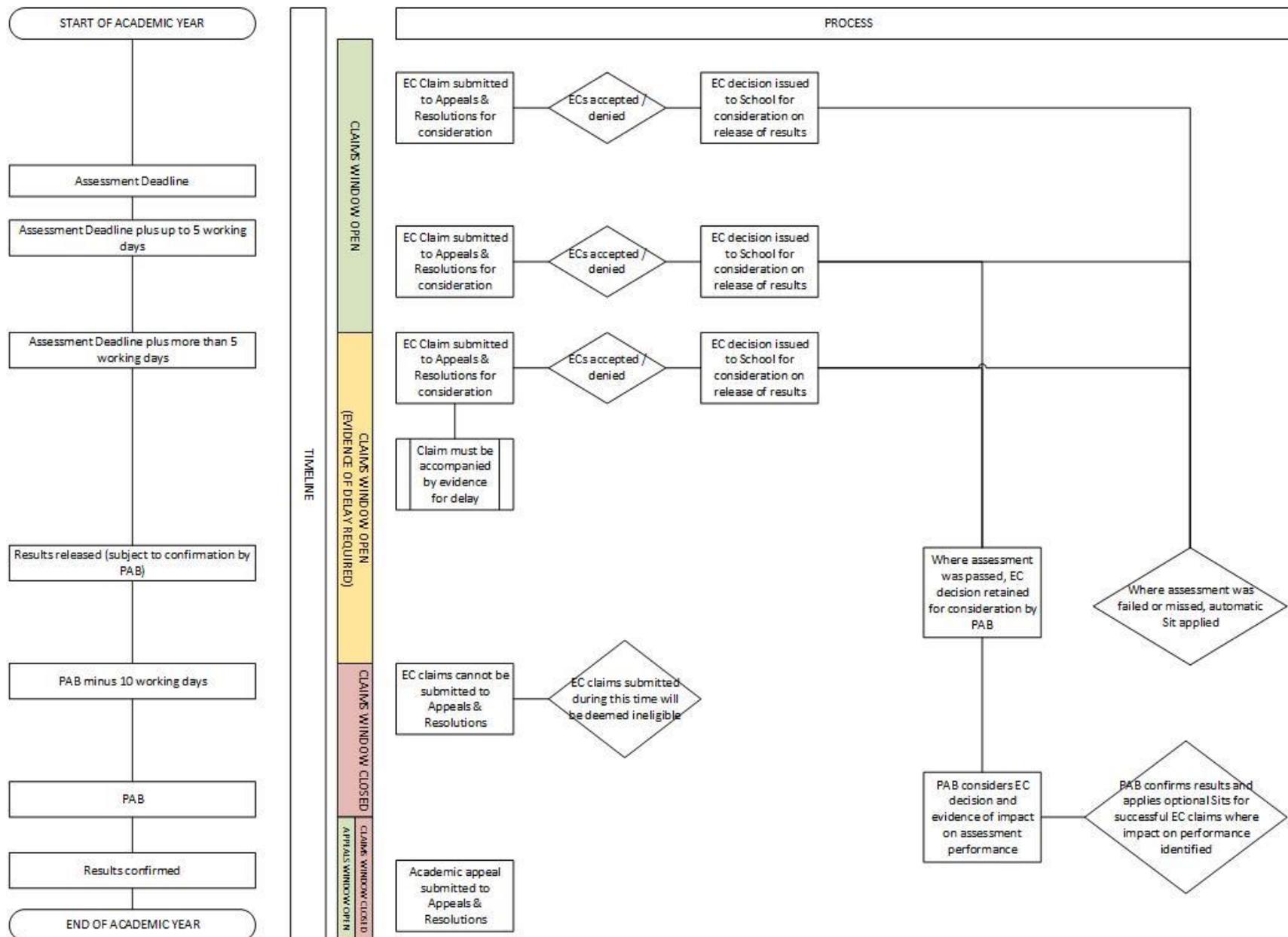
You feel unwell in advance of an exam but not too ill to attend, so you decide to sit the exam. Afterwards, you realise that you have an illness and think that it may have affected your performance. You see your doctor the next day and he writes a letter explaining how your illness would have affected your ability in the exam. Two weeks later, you submit a claim for extenuating circumstances. You will need to submit your doctor's letter to show you were unwell at the time of the assessment, and also evidence to explain your delay of more than 5 working days in claiming.

Example 3

You feel unwell in advance of an exam. You decide to sit the exam and see how you do. Afterwards, you realise that you have an illness and think that it may have affected your performance, but decide to wait and see your results before submitting a claim. When your provisional results are released, you think your mark is lower than you could have achieved had you not been unwell. You can submit a claim for extenuating circumstances up to 10 working days before the date of the relevant PAB. You will need evidence to show you were unwell at the time of the assessment, and also evidence to explain your delay of more than 5 working days in claiming.

Example 4

You feel unwell in advance of an exam. You decide to sit the exam and see how you do. Afterwards, you realise that you have an illness and think that it may have affected your performance. You see your doctor the next day and he writes a letter explaining how your illness would have affected your ability in the exam, but you decide to wait and see your results before submitting a claim. You wait to receive your final mark, as confirmed by the PAB. You cannot submit a claim for extenuating circumstances and will need to submit an Academic Appeal (Late Claim). Your appeal would need to be supported by your doctor's letter showing that you were unwell at the time of the assessment, and also evidence to show that you could not reasonably have claimed any sooner.



How to claim

Claims are made from within your profile on MySRS. Once you are logged in at mysrs.bcu.ac.uk, click on the 'Support' tab and then the 'Extenuating Circumstances' option.

A separate User Guidance document is available for students, to explain the claim-making process in more detail.

Do not wait to begin an extenuating circumstances claim for any reason, including if you do not yet have all your evidence. If you submit your claim more than 5 working days after the assessment deadline, you will need to submit evidence to account for your delay in claiming.

You must ensure to include within your claim all the assessments you wish to claim for. If we issue a claim decision and you later realise you have missed assessments off your claim, you will need to submit a new claim and it may be deemed late.

Evidence

Uploading evidence in support of an EC claim is not mandatory. However, you must note that claims that are not supported by evidence are unlikely to be successful.

You are responsible for obtaining and submitting all evidence you want to use to support your claim. Student Governance cannot contact third parties or obtain evidence on your behalf. Consideration of your claim will begin once you have indicated that you have uploaded all your evidence in support (including where there is no evidence) and have confirmed that your claim is ready to be considered. If you begin a claim and indicate that you intend to upload more evidence, you should upload evidence within the next 10 working days. Your claim will remain open within the system, and will not be considered, until you confirm it is ready for consideration. If you have started a claim and indicated that you intend to upload more evidence but have not done so after 10 working days, your claim will proceed to consideration and may be unsuccessful. If 10 working days will not be sufficient for you to provide your evidence, you should contact Student Governance to discuss whether additional time can be granted for you to gather your evidence.

If you have difficulty in obtaining evidence then you should contact Student Governance as soon as possible.

Evidence must be:

- genuine – we will reject your claim if we find that any of the evidence you submit is false, forged or has been tampered with in any way;
- independent – we do not accept letters from relatives or friends;
- written in English – if the evidence was written in a language other than English, you must also supply an officially translated copy; and
- official i.e. on headed paper or with an official stamp or seal of the issuing authority.

The evidence you provide does not have to be an original document. We will accept photocopied or scanned documents, but we may decide that we need to see the original document as well. We will accept good quality photographs of documents, but photographs of anything other than documents cannot be accepted as evidence.

Photographs of injuries or illness are not appropriate and will not be considered.

Student Governance regularly check the evidence they receive to make sure it is genuine. If you submit evidence which we find is false, forged or has been tampered with in any way, your claim will not be allowed and we may start a disciplinary investigation. We may also review previous EC claims you have made in order to verify previously submitted evidence.

Types of evidence

As a guide, we accept the following evidence:

Extenuating circumstance	Most suitable evidence	Other suitable evidence	Unsuitable evidence
Physical or mental illness	Medical letter	Counsellor's letter If you are ill during a live assessment and medical intervention is required then your claim can be supported by the invigilator's report without the need for medical evidence.	Medical records or other medical evidence (e.g. evidence of prescriptions) that do not comment on your ability to complete an assessment
A very close relative is seriously ill	Medical letter		
A very close family member or friend dies	Medical letter	Death certificate Funeral director's letter Order of Service	
There is a sudden, significant change to your employment (part-time students only)	Employer letter		
You are the victim of a crime	Police report	Medical letter	Crime reference number alone
DSS-related	DSS	Disability Adviser's letter	

		Counsellor's letter	
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All evidence must confirm the circumstances on which your claim is based.

A **medical letter** must be from a doctor, nurse or hospital and must be written on official headed paper. The letter must say that you are, were or will be unfit to study at the time of the assessment.

A **counsellor's letter** must confirm that you have attended at least 4 appointments with the counsellor prior to seeking the letter of support. University Counsellors **cannot** provide supporting letter for extenuating circumstances claims unless you have attended at least 4 appointments.

If you provide a **death certificate** in support of a claim based on bereavement, we will consider any assessment falling within one month of the death as being affected. If any assessment falls more than a month after the death, you will also need to provide a medical letter in support of your claim. The letter should explain the effects of the bereavement on your ability to study. If you cannot obtain a death certificate then a medical letter explaining the effects of the bereavement on your ability to study is likely to be sufficient.

If you are a victim of a crime and cannot obtain a **police report**, a crime reference number will not be enough to make your claim successful. A medical letter explaining the effect of the crime on your ability to perform in the assessment may be more appropriate.

If you have been assessed as having a disability but there is a delay in your **DSS** being issued, a letter from a University Disability Adviser or Counsellor confirming that the DSS is being put in place can be used as evidence.

Tutor letters of support can only be accepted where they comment on the impact of missing a particular section of academic work on the ability of any student to complete the assessment (e.g. a visit upon which a report is based). Any claim based on a tutor letter alone will not be successful.

Claim decisions

Members of staff in Student Governance will assess your claim using the following criteria.

- Are you a current student?
- Are your circumstances extenuating?
- Have you provided suitable evidence that supports your claim and is genuine; independent; written in English; and official?

Once we receive your claim and all your evidence it usually takes up to five working days for Student Governance to confirm a decision on your claim. Once a decision is entered against your claim within MySRS, you will receive an email notification and you must log in to MySRS to access the decision.

Details of all claim decisions are available to the School administrative team through MySRS reports. Only details of the decisions are shared as the circumstances on which a claim is based are confidential to you. Where necessary, the School administrative team will ensure that claim decisions are provided to the relevant PAB so that impact on your performance can be assessed.

Successful claims

The effect of a successful claim will be:

- **Extension.** Your original deadline is extended by 10 working days. You should always hand in your submission in time to meet the extended deadline, even if you have not yet received your claim decision or if you think the work could be better. If you do not hand in any work by the extended deadline then you will need to make a further claim for a review of your performance for consideration of a new attempt and will need to provide evidence to show that you had extenuating circumstances at the time of the extended deadline.

If your claim is successful and you handed your work in during the extension period, any penalty for lateness will be set aside. If you apply for an extension you will be expected to meet the extended deadline and if you do not the usual penalties for lateness will apply. The penalties for lateness are:

You submit your coursework	Mark awarded
Before the deadline	Your work is marked using the full scale (it is marked out of 100%).
Up to 1 hour after the deadline	Your work is marked using the full scale (it is marked out of 100%).
Between 1 and 24 hours after the deadline	Your mark will be reduced by 5% of the actual mark.
Between 24 hours and 1 week (5 working days) after the deadline	Your mark will be reduced by 10% of the actual mark.
More than 1 week (5 working days) after the deadline	You will receive a mark of 0 for the assessment.

Example 5

You feel unwell in advance of a coursework deadline and obtain a doctor's letter saying you will be unfit for work for three days across the deadline. You make a claim for an extension of your deadline and submit the doctor's letter as evidence. You have not yet had a decision when the extended deadline arrives and you do not submit any work. The day after the deadline you are told that your claim has been successful and so submit your work. Since you did not submit your work in time to meet the extended deadline, your work will be marked in line with the usual penalties for lateness. Your work was submitted between 1 and 24 hours of the deadline, so your mark will be reduced by 5%.

- Review of your performance for consideration of a new attempt. If you failed or missed the assessment, you will automatically be given a Sit at the next opportunity. If you passed the assessment, the PAB will offer you an optional Sit only if there is evidence of an impact on the assessment performance (normally this is automatically set at 2% or more below your mean grade at your current academic stage). If you take the optional Sit, your original mark will be set aside and any mark you receive in a Sit will replace your original mark, whether it is better or worse.

Example 6

The PAB offers you an optional Sit after you make a successful EC claim for a piece of coursework in which you were given a mark of 51%. You take the Sit opportunity and have a further attempt in the next assessment period. In the further attempt you are given a mark of 43%. Your mark for this assessment is 43% and you cannot retrieve the mark of 51%.

Example 7

You feel unwell in advance of an exam but not too ill to attend, so you decide to sit the exam. Afterwards, you realise that you have an illness and think that it may have affected your performance. You see your doctor the next day and he writes a letter explaining how your illness would have affected your ability in the exam. You submit a claim for extenuating circumstances and the claim is successful. The PAB is informed that you have made a successful EC claim for a review of your performance. The PAB considers your mark in the exam (51%) against your stage mean (56%). Because your mark in the exam is more than 2% lower than your stage mean, you are offered an optional Sit.

- DSS related re-mark. Your work will be re-marked with your reasonable adjustments taken into account. You must contact your faculty and your Disability Adviser about resubmitting your work.
- DSS-related repeat assessment. You will be given a Sit at the next opportunity, with your reasonable adjustments in place. You must contact your faculty and your Disability Adviser about repeating the assessment.

Unsuccessful claims

If your claim is not successful we will explain why. If you do not understand or are not satisfied with the outcome, you should speak to the Student Governance team, who can explain the decision and what further evidence you may be able to provide in support of your claim.

Extenuating Circumstances Queries and Appeals

Queries

If your claim has been unsuccessful, you can raise a query against the decision by submitting further evidence through the MySRS claims system. We will treat the query as being raised on the day we receive your further evidence, not the day you first say you want to query the decision. You must raise a query within 10 working days of your claim decision being issued.

When we receive the further evidence from you we will look again at your claim and see if a different decision can be reached. We will confirm the previous decision, or issue a revised decision, within **10 working days**.

Queries cannot be raised when the extenuating circumstances claim window is closed.

If your query cannot be resolved or the extenuating circumstances claim window is closed, you can submit an academic appeal.

Academic appeals

Submitting an appeal

You can submit an Extenuating Circumstances Academic Appeal when:

- You have already raised a query against an unsuccessful extenuating circumstances claim decision. We call this an Academic Appeal (Unsuccessful Claim); or
- The PAB for the relevant assessment has already taken place and so the extenuating circumstances claim window is closed. We call this an Academic Appeal (Late Claim).

You must submit a formal academic appeal to Student Governance electronically, by email, using the Formal Academic Appeal Form (Extenuating Circumstances). You must set out your concerns clearly and briefly and provide evidence, where possible, of the issues raised. Only evidence that is clearly referenced in the academic appeal will be considered.

You must make a formal academic appeal within 10 working days of receiving your query decision (for an Academic Appeal (Unsuccessful Claim)) or your confirmed assessment results (for an Academic Appeal (Late Claim)).

Consideration of appeals

We will send you an acknowledgement of receipt within five working days of receiving the formal academic appeal form.

We will give special attention to identifying academic appeals that may require particularly quick action. These may include the following:

- Cases where the effects of the issues raised may have harmed a person's mental health or led to significant distress;
- Cases where external time limits apply, for example visa limitations.

When we receive your formal academic appeal we will consider some key questions, including the following:

- For an Academic Appeal (Unsuccessful Claim), have you been through the query stage?
- Have you set out clearly what the academic appeal is about?
- Have you provided evidence in support of your appeal, including evidence to explain any delay in appealing?
- Is the academic appeal covered by the Extenuating Circumstances Procedure or should we refer you to another procedure?
- What help or support can we provide to you?

If we decide your academic appeal does not meet the conditions to be considered under this Procedure, we will tell you our decision and the reasons for this, and give you details of the correct procedure to use, if appropriate.

If we decide that your appeal is ineligible and advise you that there is nothing you can do to make the appeal eligible, you will have the right to request a review of our decision (see the Review stage below).

Your academic appeal will be considered by a member of the Student Governance team who has not previously been involved in your claim. If they are satisfied that you have provided enough further evidence that you could not reasonably have provided sooner, they can decide that the academic appeal is justified. For guidance on evidence, see page 7.

If the member of the Student Governance team feels you have not provided sufficient evidence to justify your appeal, we will appoint an academic investigator who may contact you to seek further evidence and may obtain any evidence required from your course team or other University staff. Individual meetings with you and others involved may be held, and further evidence may be sought after any meetings. The investigator will draft a report detailing their findings and the evidence relied upon, and will recommend an outcome.

The recommended outcome will be sent to the Head of School for approval. An approved outcome will be sent to you as a formal decision along with copies of the evidence considered, the investigator's report and guidance on any relevant next steps (including the Review stage). Where the outcome is not approved, it may be necessary to conduct further investigation or to appoint a new investigator. Where this happens, we will tell you and explain why. We will also set new timescales and share these with you. This stage should be completed within **35 working days** of us receiving the academic appeal.

Extending the time limit

If there are clear and justifiable reasons for extending the time limits Appeals and Resolutions will set new time limits. The maximum extension will be 10 working days (that is, not more than 45 working days in total from the date we receive the academic appeal form).

Appeal decisions

We will give you a clear explanation of the outcome of your formal academic appeal in writing, setting out the reasons for each decision in simple, straightforward language.

We will tell you about:

- your right to take the academic appeal to the review stage and the grounds on which you can do this (see below);
- the time limit for moving to the review stage; and
- where and how to access advice and support, for example from the Students' Union or Student Affairs.

If you do not take the academic appeal to the review stage within the time limit for doing so, we will close the matter.

If you have submitted an Academic Appeal (Late Claim) and it is successful, we will inform your School administrative team. The School administrative team will ensure that the appeal decision is provided to the Chair of the relevant PAB so that impact on your performance can be assessed.

Review

If you are not satisfied with the outcome of the formal academic appeal stage, you have 20 working days to ask for a review. There are limited grounds for asking for a review which are as follows.

- There is new evidence which you were unable, for valid reasons, to provide earlier in the process that would have had a significant effect on the outcome of the formal academic appeal stage.
- The correct procedure was not followed during the formal academic appeal stage and this has had a significant effect on the outcome.
- The outcome of the formal academic appeal stage was unreasonable given all the circumstances and the evidence considered.

The purpose of a review is to consider whether we followed the correct procedure during the formal academic appeal stage and whether the outcome was reasonable. At the review stage, we will not usually consider the issues again or investigate the matter further. An academic appeal must have been considered at the formal academic appeal stage before it can move to the review stage. If your expectations appear to be beyond what can be achieved at the review stage, we will tell you this as soon as possible in writing to manage your expectations about possible outcomes.

If you have already made an academic appeal to a partner institution and you are not satisfied with the way it has been dealt with under their own academic appeals procedure,

you may be able to refer the academic appeal to us and we will consider it under this stage. This will include a review of the way in which the partner institution handled the matter.

You must submit a request for review electronically, by email, by filling in the Academic Appeal Review Request Form. You must set out your concerns clearly and briefly and provide evidence, where possible, of the issues raised. Only evidence that is clearly referenced in the form will be considered. We will acknowledge the request for a review within 5 working days.

Student Governance will assess the request for a review and the Assistant Director Student Governance, Mental Health & Wellbeing, or someone they nominate to act on their behalf, will use this assessment to decide between the following two possible outcomes.

- There are no grounds for taking the matter further. If this is the case, Student Governance will tell you in writing and also let you know about any right you may have to ask the OIA to review your appeal.
- There are grounds for reconsidering the case.

If there are grounds for reconsidering the case, the Assistant Director Student Governance, Mental Health & Wellbeing, or someone they nominate to act on their behalf, will consider the following.

- Were the relevant procedures followed during the formal academic appeal stage?
- Was the outcome reasonable in all the circumstances?
- Have you received clear reasons why we rejected the academic appeal at the formal academic appeal stage?
- If you have provided new evidence, have you provided valid reasons for not providing it earlier?
- If there were valid reasons for not providing this evidence earlier, would it have had a significant effect on the outcome?

The Assistant Director Student Governance, Mental Health & Wellbeing, or someone they nominate to act on their behalf, will decide between the following two options.

- The academic appeal will be referred back to the formal academic appeal stage together with a recommendation.
- The issues are complicated and so it would be better to deal with them through a review panel.

A review panel will be held in line with our standard procedures for such panels.

This stage should be completed within **15 working days** of us receiving your review request and we will give you our decision in writing.

[Extending the time limit](#)

If there are clear and justifiable reasons for extending the time limits, we will set new time limits. The maximum extension will be 10 working days (that is, not more than 25 working days in total from the date we receive your request for a review).

Review decisions

We will give you a clear explanation of the outcome of the review in writing, setting out the reasons for each decision in simple, straightforward language. If the review finds that an academic appeal is partly or fully justified, we will explain how and when we will put in place actions to put the issue right, and apologise where appropriate. We will record the outcome on our academic queries and appeals system. We will also let you know about any right you may have to ask the OIA to review your appeal.