



Mitigating circumstances are defined by NELTA as “recognisably disruptive or unexpected events, beyond the trainee’s control, that might have a significant and adverse impact on their academic performance.”

NELTA applies the principle that a trainee who attends, submits or participates in any form of assessment shall be considered by NELTA to be in a position to do so. That is to say, they do not believe that they are affected by any mitigating circumstances, as defined above, which would have a significant and adverse impact on their academic performance. As such, any result achieved in an assessment will stand.

**Mitigating Circumstances Information**

The Mitigating Circumstances Form or ‘MCF’ (extract below) should be submitted as soon as possible either in advance of any assessment or normally within 7 days of the first affected assessment. Please note that NELTA will only accept a MCF which is signed by the student who is submitting mitigating circumstances and/or where it has been submitted via their email account registered with NELTA.

## Mitigating Circumstances Form

To be submitted as soon as possible either in advance of any assessment or normally within 7 days of the first affected assessment. Please note that NELTA will only accept a Mitigating Circumstances Form (‘MCF’) which is signed by the trainee who is submitting mitigating circumstances and/or where it has been submitted via their email account registered with NELTA.

Important Information for trainee’s completing this form
<p>It is essential that you read this Information.</p> <p>NELTA considers mitigating circumstances to be recognisably disruptive or unexpected events, beyond the trainee’s control, that might have a significant and adverse impact on their academic performance. NELTA applies the principle that a trainee who attends, submits or participates in any form of assessment shall be considered by NELTA to be in a position to do so.</p> <p>For your information, the term ‘assessment’ refers to:</p> <ul style="list-style-type: none"> <li>Assignment 1</li> <li>Assignment 2</li> <li>Final Assessment</li> </ul> <p>This form is a request to be granted an <b>authorised absence</b> from an assessment or an <b>extension</b> to a submission deadline under the Mitigating Circumstances Regulations outlined below:</p>

- *At the discretion of NELTA, a trainee may be granted an authorised absence from, or an extension to, an assessment or submission deadline, provided that they submit a mitigating circumstances form prior to ratification of results and not more than seven calendar days after the date of the assessment or submission deadline. Supporting evidence should be submitted with the mitigating circumstances form or, providing the mitigating circumstances form has been submitted within the timeframe outlined above, within 21 calendar days of the date of the affected assessment.*
- *Exceptionally, a trainee who submits an assessment may, at the discretion of NELTA, be retrospectively granted an authorised absence from that assessment provided that they submit evidence of mitigating circumstances normally no more than seven calendar days after the date of the assessment deadline. Supporting evidence should be submitted with the mitigating circumstances form or within 21 calendar days of the date of the affected assessment.*
- *In exercising their discretion, NELTA must be satisfied that the mitigating circumstances would: a) prevent or have prevented the trainee from submitting the assessment within the given timeframe; or b) have or had a significant and adverse impact on the trainee's performance in the assessment.*
- *Additionally, in considering whether to grant an authorised absence retrospectively, NELTA must be satisfied that the trainee has provided a good reason as to why they did not follow the mitigating circumstances procedure before they presented their assessment.*
- *Where NELTA is satisfied that the above conditions have been met, the trainee will be granted an authorised absence from or an extension to the assessment, and one of the following will be applied: a) trainee will be deferred in the assessment and take an alternative form of assessment at a later date; b) the trainee will be set a new submission deadline; c) the assessment will be declared void and the final assessment mark will be based only on those elements of assessment the trainee has completed.*
- *Where a trainee submits a mitigating circumstances form before the published assessment submission deadline and, as a result of their mitigating circumstances, submits work after the published deadline, the trainee's work will be marked without penalty, provided that NELTA is satisfied that the conditions to authorise this have been met.*
- *A trainee who fails to submit an assessment for which they are registered, without having been granted authorisation will be regarded as having attempted the assessment and will be awarded a mark of zero for that assessment. Such a trainee may, at the discretion of NELTA, be permitted to attempt the assessment again.*
- *A trainee who either fails to submit an assessment or submits after the deadline, and has not made a request for an extension, or who has not satisfied NELTA that their mitigating circumstances offer valid reasons for submitting late work, will have an automatic penalty applied. Work submitted within 24 hours of the deadline will be marked, but the mark awarded will be no greater than the pass mark.*

*Work submitted after the 24 hour deadline will receive a mark of zero. Such a trainee may, at the discretion of NELTA, be permitted to attempt the assessment again at the discretion of NELTA.*

If you believe your ability to complete an assessment of any type might be, or has been, adversely affected by mitigating circumstances, you should complete and submit this MCF.

#### Submission

**By email** – Trainee’s must submit their MCF from their email account registered with NELTA. Any supporting evidence that is available should be attached or forwarded at a future date, and in any event, no later than 21 days after the date of the first affected assessment. The MCF should be submitted as a Word or PDF document, although supporting evidence will be accepted in other formats.

**By post** – Trainees can submit their MCF by post directly to NELTA. Any supporting evidence that is available should be attached or forwarded at a future date, and in any event, no later than 21 days after the date of the first affected assessment.

#### Outcome

You will be notified, via your registered email address, of NELTA’s decision, normally within 7 calendar days from the date you submitted the completed MCF and evidence, or within 7 days of the date you submitted the MCF, if NELTA has provisionally accepted your MCF, subject to the receipt of satisfactory evidence. Please bear in mind that this period may be longer during periods when NELTA is closed, such as the Christmas and New Year break and Easter break.

The outcome will normally be one of the following: -

#### **Accepted: -**

Provisionally accepted subject to receipt of satisfactory documentation within 21 days from the date of the affected assessment;

Replacement assessment granted;

Late submission of assessment accepted;

Extension request granted;

Alternative form of assessment granted; or

Assessment annulled and mark rescaled (conditions apply).

#### **Declined because: -**

MCF submitted after the 7 days deadline with no acceptable reason;

Circumstance is not valid;

Supporting documentation not provided within the 21 day deadline;

Supporting documentation inappropriate; or

Supporting documentation unacceptable.

Any MCFs or supporting evidence found to be falsified may result in NELTA referring the matter for consideration under the Misconduct Procedure and/or the Fitness to Practise Regulation.

### Guidance on evidence required to support mitigating circumstances

The following table provides examples of the kinds of circumstances that would normally be considered acceptable mitigating circumstance, with information on what evidence would be required in each case. This list of required evidence is provided as a guide and is not exhaustive; each Mitigating Circumstances Form (MCF) will be assessed on its own merits taking into account the specific circumstances and the evidence presented in each case.

**NELTA considers mitigating circumstances to be “recognisably disruptive or unexpected events, beyond the trainee’s control, that might have a significant and adverse impact on their academic performance”. NELTA applies the principle that a student who attends, submits or participates in any form of assessment shall be considered by NELTA to be in a position to do so.**

NELTA recognises that it can be difficult to disclose sensitive, personal information to other parties. As such, please note that all documentation provided in support of an MCF will be treated sensitively, and will remain confidential to NELTA.

Circumstance	What evidence is required? Please note any medical certificate should be from a UK-based medical practitioner or one recognised by UK authorities.
Illness	Confirmation of the illness, the impact the illness would have/has had on the affected assessment(s) and the dates concerned. This should be provided on: <ul style="list-style-type: none"> <li>• An original medical certificate; <i>or</i></li> <li>• A letter from BMAT HR who have been actively supporting you; <i>or</i></li> <li>• A letter from external support services who have been actively supporting you.</li> </ul>
Long-standing medical condition or disability	An Occupational Health (OH) report that confirms the medical condition or disability and <u>explicitly</u> states that it may be used as evidence to support mitigating circumstances.  Please note that most OH reports will not include this adjustment. If yours does not, you should follow the procedure for illness (as above). You should discuss your future requirements directly with the NELTA Principal.
Hospitalisation	Confirmation of the illness, the impact the illness would have/has had on the affected assessment(s) and the dates concerned. This should be provided on: <ul style="list-style-type: none"> <li>• An original medical certificate/letter.</li> </ul>

<b>Circumstance</b>	<b>What evidence is required?</b> Please note any medical certificate should be from a UK-based medical practitioner or one recognised by UK authorities.
<b>Family illness</b>	Confirmation of the illness, the impact that this would have/has had on the affected assessment(s) and the dates concerned. This should be provided on: <ul style="list-style-type: none"> <li>• An original medical certificate/GP letter; <i>or</i></li> <li>• A letter from BMAT HR who have been actively supporting you; <i>or</i></li> <li>• A letter from external support services who have been actively supporting you.</li> </ul>
<b>Bereavement</b>	A letter confirming the death from an independent person (usually not a family member) with their contact details provided and including a view on the closeness of the relationship to you. A death certificate or order of service are other forms of acceptable evidence, and are all that would be required where the closeness of the relationship is evident (e.g. for a close relative - a parent, sibling, or child). Where the closeness of the relationship is less obvious, a certificate/order of service also should be accompanied by a letter from an independent person, as outlined above.
<b>Acute Personal Difficulties</b>	Confirmation of the circumstances, the impact that these would have/have had on the affected assessment(s) and the dates concerned. This should be provided on <ul style="list-style-type: none"> <li>• An original medical certificate/GP letter; <i>or</i></li> <li>• A letter from BMAT HR who have been actively supporting you; <i>or</i></li> <li>• A letter from external support services who have been actively supporting you.</li> </ul>
<b>Pregnancy-related illness</b>	The requirements for illness, hospitalisation etc. should be followed if there is a specific incident during pregnancy.
<b>Victim of crime</b>	Police report (including a crime reference number). If the incident has resulted in your seeking medical attention then the requirements for illness should be followed.

<b>Circumstance</b>	<b>What evidence is required?</b> Please note any medical certificate should be from a UK-based medical practitioner or one recognised by UK authorities.
<b>Domestic Disruption</b>	Confirmation of the circumstances, the impact that these would have/have had on the affected assessment(s) and the dates concerned. This should be provided on: <ul style="list-style-type: none"> <li>• A letter from an independent authority (eg social worker, counsellor); <i>or</i></li> <li>• A police report (inc. crime reference number); <i>or</i></li> <li>• A letter from BMAT HR who have been actively supporting you.</li> </ul>
<b>Representing NELTA or your Country at a significant/ prestigious event</b>	A letter of confirmation from the relevant organising body and a supporting statement from the trainee and/or member of staff explaining why the event should be considered as significant/prestigious.
<b>Jury Service (UK)</b>	A letter from the Court.
<b>Court Attendance (UK)</b>	If you are required to attend a tribunal or court as a witness, defendant (not for 'Criminal Conviction') or plaintiff, please provide a solicitor's letter including the dates of the legal proceedings and the requirement for you to attend.
<b>Road Traffic Incident</b>	If you have been involved in a road traffic incident, either as a passenger or as the driver, evidence must be provided detailing the time and place that the incident occurred including: <ul style="list-style-type: none"> <li>• A police report (including a crime reference number); <i>or</i></li> <li>• Insurance reference number/record of the event.</li> </ul>

## Circumstances that would not meet the definition of mitigating circumstances

The following are examples of the kind of circumstances that are likely to be considered unacceptable. However, NELTA will consider every case individually and on its own merit.

<b>Circumstance</b>
<p><b>Transport issues</b> It is your responsibility to arrive and hand in your assessment on time, irrespective of the form of transport used or relied upon. Exceptions to this might be industrial action or other significant disruption that is beyond your control. Evidence of any significant disruption would be required.</p>
<p><b>Holidays</b> All holidays and vacations should take place at a time that will not impact on your availability to train or undertake or prepare for an assessment(s).</p>
<p><b>Misreading deadline dates</b> It is your responsibility to ensure that you have an accurate understanding of the deadline of all formal assessments.</p>
<p><b>Paid employment or voluntary work</b> It is your responsibility to manage other commitments so that they do not adversely interfere with your training.</p> <p>If you are experiencing acute personal difficulties which have led to you needing to undertake unexpected levels of paid work, then these may meet the definition of mitigating circumstances. Please refer to the evidence required for this category in the table, above.</p>
<p><b>IT and/or computer failure</b> It is your responsibility to ensure that all work which is electronically stored, generated and/or submitted is sufficiently backed up and the correct piece of work is submitted.</p>
<p><b>Foreseeable/preventable circumstances</b> Where the circumstances are within your control.</p>
<p><b>Not disclosing circumstances</b> NELTA can only consider circumstances if they are disclosed in accordance with the regulations. If you had good reason, which can be documented, for not disclosing your circumstances you should speak to your personal tutor and the NELTA Principal.</p>

## Frequently Asked Questions (FAQs)

The FAQs are divided into five categories:

- Defining "mitigating circumstances"
- When mitigating circumstances are affecting or have affected your ability to complete an assessment
- Completing and submitting a Mitigating Circumstances Form (MCF)
- After an MCF has been submitted
- The outcome of a mitigating circumstances application

### Defining "mitigating circumstances"

#### What are mitigating circumstances?

NELTA considers mitigating circumstances to be: "recognisably disruptive or unexpected events, beyond the trainee's control, that might have a significant and adverse impact on their academic performance".

"**beyond the trainee's control**" means that you could not have reasonably prevented them from happening.

"**a significant and adverse impact on their academic performance**" means that the circumstances were disruptive enough to have a meaningful adverse impact on your academic ability.

#### What kind of mitigating circumstances would normally be considered valid/invalid?

Because your circumstances are unique to your individual situation, and circumstances can impact on individuals in different ways, it is not possible to provide a full list of circumstances that would be considered valid. NELTA has produced guidance (see pages 4 to 7) on acceptable medical evidence that provides examples of the different types of circumstances that would usually be considered acceptable and the evidence needed to support the claim. The guidance also sets out the circumstances which would not be considered acceptable.

#### What is the difference between mitigating circumstances and Personalised Assessment Provisions (PAP)?

Personalised Assessment Provisions are organised for trainees in advance of assessments by the NELTA tutor in conjunction with the NELTA Principal. The purpose of PAP is to provide an environment that gives all trainee's an equal opportunity for assessment.

The key difference between PAP and mitigating circumstances is that mitigating circumstances are **unexpected events** beyond your control. In contrast, PAP relate to longer term or 'foreseen' circumstances such as learning difficulties and medical conditions.

Examples of PAP might include extra time for a learning difficulty (such as dyslexia).

All applications for Personalised Assessment Provisions require specific supporting evidence and there are strict deadlines for each assessment period.

### **In what ways might mitigating circumstances affect my academic performance?**

These are the situations NELTA can take into account as “mitigating circumstances”:

- Where the mitigating circumstances mean that you are unable to meet an assessment submission deadline;
- Where the mitigating circumstances mean that you are unable to carry out an assessment at the prescribed time.

### **When mitigating circumstances are affecting or have affected your ability to complete an assessment**

#### **What should I do if I am unable to meet an assessment deadline?**

In this situation you are required to submit a completed Mitigating Circumstances Form (MCF).

The form can be submitted at any time before the submission deadline but normally no later than 7 calendar days after the submission deadline.

You must provide documentary evidence with your submission. This can be submitted along with the completed MCF within 7 days of the submission deadline/assessment date. If you are unable to get the evidence together within 7 days you must submit your MCF within 7 days, and then you can submit the evidence separately, within 21 days of the submission deadline/assessment date.

Don't delay submitting the form if you do not yet have the appropriate documentary evidence (see pages 4 to 6). Evidence can be submitted up to 21 days after the date of the affected assessment.

#### **I am affected by mitigating circumstances but I worry that these might not be accepted. Is it better for me just to submit the assessment and see how it goes?**

NELTA make their decisions using the same information provided to trainees about what are acceptable circumstances, and what is the necessary evidence, so you are advised to read the guidance carefully before completing and submitting the MCF.

You are strongly advised **not** to risk completing an assessment of any type if you are experiencing difficulties that would have an adverse impact on your academic performance and would meet the definition of mitigating circumstances. In this situation, by submitting an MCF you are complying with NELTA's regulations and are making a conscientious decision to be assessed at a time when your circumstances have improved.

If you are worried about not being able to supply evidence at the same time as your MCF, then follow the procedure outlined on the MCF for providing it within 21 days.

## **Completing and submitting a Mitigating Circumstances Form (MCF)**

### **What should I do if mitigating circumstances have affected my academic performance?**

It is important that you complete a Mitigating Circumstances Form (MCF) as soon as possible. If you are able to, you should submit it in an advance of the missed/affected assessment date.

If you're not able to submit the MCF in advance you must submit it no later than 7 days after the missed/affected assessment date.

7 days is defined as 7 calendar days which includes weekends. Bank Holidays (England/Wales) and NELTA closure days are excluded from these 7 days.

If you had a reason why you could not submit an MCF within 7 days you can discuss this with your personal tutor or the NELTA Principal. BMAT HR can also give you advice that is independent from NELTA. An MCF would not normally be accepted after 7 days except in exceptional situations, such as hospitalisation with no ability to inform NELTA.

### **What evidence do I need to provide?**

Your mitigating circumstance claim will only be accepted if you provide suitable evidence (see pages 4 to 6).

This evidence needs to be

- Documentary : it must be in writing
- From an independent third party : you cannot self-certify, or produce your own documents
- Supportive of your claim: it needs to include enough details that it can provide evidence of the circumstances you are submitting.
- Signed by the person who wrote the document, have a date on it and presented on official headed paper
- Written in English, or accompanied by a translation in English with a confirmation of the source of the translation

If you don't have the supportive evidence immediately you still must submit your MCF within 7 days. You have up to 21 days from the date of the affected assessment to submit the evidence – but this will only apply if you have submitted your MCF within 7 days.

21 days is defined as 21 calendar days which includes weekends. Bank Holidays (England/Wales) and NELTA closure days are excluded from these 21 days.

NELTA has produced guidance (see pages 4 to 7) that provides examples of the different types of circumstances that would usually be considered acceptable and the evidence needed to support the claim.

### **What medical evidence would I need to provide?**

You would need to provide a 'fit note' that is signed by a doctor. You cannot submit a self-certification form.

### **If I have an OH report, can I use it as evidence?**

You can only use an OH report as evidence if it confirms that you have a long standing medical condition or disability and **explicitly** states that it may be used as evidence to support mitigating circumstances.

Please note that most Reports will not include this adjustment. If yours does not, you should follow the procedure for evidencing an illness.

Remember that mitigating circumstances are different to Personalised Assessment Provisions (PAP), which are organised through NELTA.

### **Where do I submit my form?**

The MCF can be submitted electronically or in hard copy. You can email or post this to NELTA directly; if emailing, trainees must submit their MCF from their email account registered with NELTA.

Any supporting evidence (see pages 4 to 6) that is available should be attached or forwarded at a future date, and in any event, no later than 21 days after the date of the first affected assessment.

### **How do I know if my mitigating circumstances will be accepted?**

Your mitigating circumstances submission will be considered individually with a decision made on your specific circumstances and the evidence you supply.

Each circumstance is considered on a case by case basis, so even if you have submitted an MCF before it is important that you outline your circumstances clearly, that they fit into the acceptable grounds and that you provide the full evidence that is needed.

If you are unsure about whether your circumstances would be taken consideration under the regulations then please consult the guidance document and discuss your circumstances with your personal tutor. BMAT HR can give you advice that is independent from NELTA.

### **After a MCF has been submitted**

#### **Who sees my MCF and evidence?**

NELTA recognises that it can be difficult to disclose sensitive, personal information to other parties. As such, please note that all documentation provided in support of an MCF will be treated sensitively, and will remain confidential to NELTA.

#### **Do I need to tell anyone I have applied for mitigating circumstances?**

It is strongly advised that you seek additional help from the NELTA Principal that might support your circumstances, particularly if you are concerned that your difficulties are ongoing. You may also wish to consider contacting your Personal Tutor for support.

### **When will I get a response to my submission and what will I get back?**

You will be notified, via your email address, of the NELTA's decision, normally within 7 calendar days from the date you submitted the completed MCF and evidence, or within 7 days of the date you submitted the MCF, if NELTA has provisionally accepted your MCF, subject to the receipt of satisfactory evidence. Please bear in mind that this period may be longer during periods when NELTA is closed, such as the Christmas and New Year and Easter break. You can, however, request a full copy NELTA's decision letter.

### **What will happen if I submit a MCF in advance but then decide to sit the assessment?**

If you have already submitted a MCF and then decide to submit your assessment your MCF will be 'voided' and you will not receive the marks for it. This is because NELTA applies the principle that **a trainee who attends, submits or participates in any form of assessment shall be considered by NELTA College to be in a position to do so.**

If you are unsure as to whether you are capable of completing an assessment and feel that you might have mitigating circumstances you are strongly encouraged to speak to a professional, such as a medical doctor or counsellor, to help you assess the impact your circumstances are having on you. You can also discuss the matter with your personal tutor or the NELTA Principal. BMAT HR can give you advice that is independent from NELTA.

## **The outcome of a mitigating circumstances application**

### **Who makes the final decision?**

All MCFs are considered by the NELTA Principal.

In reaching a decision the NELTA Principal will take into consideration:

- Whether the mitigating circumstances are significant, including the period covered;
- The number of assessments affected;
- The authenticity of the evidence provided.

### **Will my marks be increased due to my mitigating circumstances?**

No. NELTA regulations do not permit marks for individual elements of assessment to be adjusted to compensate for mitigating circumstances.

If your MCF is accepted then one of the following will happen:

- You will be deferred and given an alternative form of assessment at a later date;

- The final assessment will be declared void and the final assessment will be re-scaled so that it is only based on the elements of assessment you have completed.

The second option (to void the assessment) will only be used where

- this is possible and
- where the first option (an alternative assessment) are impractical

**Can I appeal against the decision?**

You cannot appeal against a decision regarding your MCF until you receive final examination board confirmation. Only then can you appeal against a decision. Please refer to the NELTA website regarding appeals procedures and forms.