

## Exceptional Circumstances Policy

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### 1 Introduction

- 1.1 The College of Legal Practice ("the College") operates a 'fit to sit' policy in relation to all elements of assessment. As such, if you sit or submit a summative assessment you deem yourself to be fit for that assessment. This means that, subject to the provisions of this policy, you do not know of any reason why your assessment performance may be adversely affected by an Exceptional Circumstance (defined below) or why you might subsequently submit an Exceptional Circumstances claim. However, the College understands that there may be unforeseen, uncontrollable, short-term events (such as illness) (each 'an Exceptional Circumstance') which may prevent you from submitting or attending a summative assessment or which materially and adversely affect your performance in an assessment.
- 1.2 This policy sets out
  - 1.2.1 examples of what may or may not count as Exceptional Circumstances
  - 1.2.2 the procedure for submitting an Exceptional Circumstances claim and
  - 1.2.3 the possible outcomes of such claim.
- 1.3 For the avoidance of doubt, if you have reasonable adjustments in place for your summative assessment(s) then, typically, the underlying condition(s) addressed by such reasonable adjustments will not be classed as an Exceptional Circumstance, unless you experience a sudden acute deterioration.
- 1.4 The College reserves the right to vary this policy in the interests of fairness, where it is necessary to do so on the grounds of health and safety or where it needs to make reasonable adjustments under relevant equality legislation.
- 1.5 If you are unclear on whether your circumstances constitute an Exceptional Circumstance under this policy, please contact the Student Services Team, Module Leader, or Programme Leader at your earliest

convenience, and in line with the timescales set out within this policy.

## 2 What are Exceptional Circumstances?

- 2.1 It is an expectation of study at postgraduate level that students manage their workload alongside professional and personal commitments. It is also reasonable for the College to expect that students are able to cope with normal life challenges, including pressure around assessment periods (Office of the Independent Adjudicator, 2020).
- 2.2 Here are some examples of what the College would normally count as Exceptional Circumstances; this list is not exhaustive:
  - 2.2.1 Illness (such as COVID) or injury (such as a broken wrist)
  - 2.2.2 Death or serious/life-threatening illness of a close family member or friend
  - 2.2.3 Acute deterioration of an ongoing illness or disability, including mental health conditions.
  - 2.2.4 Being the victim of a serious crime (such as assault)
  - 2.2.5 Computer or internet connection problems outside of the student's control that prevent or delay access to an online assessment
  - 2.2.6 Unforeseen impacts of religious observances, or the unforeseen need to perform a religious observance, as outlined in the Religious Observances Policy
  - 2.2.7 Unexpected caring responsibilities for a family member or dependant
  - 2.2.8 Significant personal or family issues leading to acute stress
  - 2.2.9 Accommodation crisis such as eviction or the home becoming uninhabitable
  - 2.2.10 The performance of public duties (e.g., jury service) occurring at the time of assessment
  - 2.2.11 Attendance at court under a witness summons or similar.

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- 2.3 For completeness, here are also some examples of situations which the College would not normally class as Exceptional Circumstances; this list is not exhaustive:
- 2.3.1 Misreading the assessment timetable or submission deadline
  - 2.3.2 Failing to follow the instructions of staff in relation to assessment set up
  - 2.3.3 Computer failure where the student should have backed up their work
  - 2.3.4 Exam stress that is not evidenced medically
  - 2.3.5 The need to sit external exams e.g. the SQE
  - 2.3.6 Events (such as house moves, holidays or family celebrations arranged after enrolment) where you can control the date of the event or can choose not to attend the event
  - 2.3.7 Any long-standing condition for which you have reasonable adjustments
  - 2.3.8 Circumstances connected with any employment.
  - 2.3.9 Minor illnesses such as common colds or hay fever, unless the symptoms are particularly severe
- 2.4 Circumstances which have had, or are likely to have, a longer-term impact on a student's ability to study should be dealt with under the Leave of Absence or Fitness to Study policies.
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### 3 Procedure

- 3.1 Abandoning the assessment
- 3.1.1 Where your Exceptional Circumstances occur during an assessment, you should abandon that attempt and notify the Module Leader immediately by email or the Student Support team by telephone. You should then submit your Exceptional Circumstances claim following the procedure below.
- 3.2 Making an Exceptional Circumstances claim
- 3.2.1 If you wish to submit an Exceptional Circumstances claim, you must submit your request using the Exceptional Circumstances claim form to the Student Services team.
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- 3.2.2 Exceptional Circumstances claims and supporting evidence should be submitted as soon as possible after the event occurs, and must normally be submitted no later than 5 working days after the original submission date or date of assessment. Claim forms submitted after this period without good reason will not be considered. The College will determine what constitutes a 'good reason' on a case-by-case basis, but this may include: illness preventing you from applying; a bereavement taking place in very close proximity to the assessment; technical problems preventing you from making contact with the College around the time of assessment.
- 3.3 The Exceptional Circumstances claim form requires you to:
- 3.3.1 complete full details of the assessment(s) to which the claim relates, including (where applicable) how you believe your performance in that assessment(s) has been adversely and materially impacted.
- 3.3.2 supply independent supporting evidence (see appendix 1) or self-certification in certain circumstances (see paragraph 4 below).
- 3.4 All supporting evidence will be treated in strictest confidence and in line with the College's Privacy Policy and will not be shared outside of the Student Services Manager, the Programme Leader(s) and the Registrar. Evidence should be presented in English or, where applicable, with an accompanying translation.
- 3.5 The College reserves the right to check the authenticity of all documentation submitted as part of an Exceptional Circumstances claim. If you submit inauthentic documentation, or misrepresent material facts in your claim or self-certification, you may be subject to proceedings under the College's Disciplinary Process.
- 3.6 On receipt of a claim, the Student Services Manager will consider the request and decide on an outcome, which may include consultation with the Registrar. The College will aim to confirm an outcome in writing within 7
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working days of receipt, but this may be longer in complex cases.

#### **4 Self-Certification**

- 4.1 For sudden acute illnesses which do not require a doctor's visit, such as a severe migraine, stomach bug, or COVID, students can self-certify their Exceptional Circumstances claim without the need for independent evidence.
- 4.2 Where a student submits more than one self-certified claim within a 6-month period, they may be required to submit independent evidence or asked to attend a meeting with their Module Leader or Programme Leader to ensure any support needs are considered before the claim is approved.

#### **5 Multiple requests for exceptional circumstances**

- 5.1 The College maintains a record of all Exceptional Circumstances claims submitted, to identify any trends and to ensure consistency across decisions.
- 5.2 The College will monitor the number and frequency of Exceptional Circumstances claims made by individual students. Where a student submits more than one claim within a 6-month period, this may indicate that there are longer-term issues which need support. In such situations, the student may be invited to a meeting with their Module or Programme Leader to discuss support options and a plan for study.
- 5.3 Where the Module or Programme Leader is concerned that a student's ability to complete their course is being affected by multiple Exceptional Circumstances, the College may recommend that a student takes a Leave of Absence, or the Fitness to Study procedure may be triggered.

#### **6 Possible outcomes of a successful exceptional circumstances claim**

- 6.1 Short term Extensions
  - 6.1.1 This outcome does not apply to any element of assessment by examination. For the avoidance of doubt, it does include oral assessment.
  - 6.1.2 The Module Leader will set a new submission deadline for the relevant assessment. Subject to paragraph 6.1.3, the short-term extension can be for a maximum of 14 days from the original

submission deadline, although in many cases a shorter period of extension may be appropriate.

6.1.3 Students may be entitled to one additional extension of a maximum of 14 days if they submit a new Exceptional Circumstances Claim with updated information/evidence. Students cannot self-certify for a further extension.

6.1.4 Extensions granted through self-certification shall be for a maximum of 7 days. Extension requests beyond the 7-day period will be subject to the procedures set out in 6.1.

## 6.2 Assessment Deferral

6.2.1 For elements of assessment by examination, the College will allow you to sit or submit the relevant assessment(s) detailed in the successful Exceptional Circumstances claim at the next available sitting without penalty.

6.2.2 If you require a deferral for any further assessment(s), you will need to submit a new Exceptional Circumstances claim with updated information/evidence. Students cannot self-certify for a further assessment deferral.

6.2.3 Assessment deferral may impact on a student's progression and completion timeline for their course. The student should discuss this with a tutor or the Student Services Team.

6.3 For the avoidance of doubt, it is not possible to change an assessment grade through the Exceptional Circumstances process.

## 7 Appeal

7.1 If you disagree with the outcome of your Exceptional Circumstances claim, you may appeal against the outcome in accordance with the College's Academic Appeals Policy.

## 8 References

Office of the Independent Adjudicator, 2020. *Good Practice Framework: Requests for additional consideration*. [Online]

Available at: <https://www.oiahe.org.uk/media/2544/oia-gpf-requests-for-additional-consideration.pdf>

[Accessed 02 June 2023].

QAA, 2014. *Frameworks for Higher Education Qualifications of UK Degree-Awarding Bodies*. [Online]

Available at: [https://www.qaa.ac.uk/docs/qaa/quality-code/qualifications-frameworks.pdf?sfvrsn=170af781\\_18](https://www.qaa.ac.uk/docs/qaa/quality-code/qualifications-frameworks.pdf?sfvrsn=170af781_18)

[Accessed 02 June 2023].

## Appendix 1: Examples of types of evidence required

Category of Exceptional Circumstance	Type of evidence
Death of close family member or friend	Death certificate Copy of order of service Public announcement
Sudden acute illness such as migraine, stomach bug or COVID, which did not require a doctor's visit	Self-Certification – Statement from student confirming the circumstances and impact
Your illness, injury or other medical reason	Doctor's note Medical Certificate Other independent evidence
Serious / life threatening illness of close family member or friend	Doctor's note Medical Certificate
Other commitments outside your control, e.g. unexpected lack of childcare / carer support or other emergency	Evidence as appropriate and available (e.g. note from employer, correspondence from childcare provider, etc.)
Circumstances covered by the Religious Observances Policy, for example:  The <b>unforeseen</b> impact of religious observances, e.g. fainting during a period of religious fasting.  The <b>unforeseen</b> need to perform a religious observance, e.g. funeral rites.	Note from religious leader / faith group leader  Statement from the student detailing the circumstances and the impact on their ability to complete assessment.
Computer or internet connection problem	Receipt from repairer Screenshots evidencing computer problem Evidence from internet or other service provider
Holidays	Evidence needs to show that booking of holiday was prior to enrolment at the College.
Miscellaneous, not covered above	Evidence as available and appropriate