

## **Higher Education Academic Regulations: Part B**

**Section:** 1: Personal Mitigating Circumstances and Interruption of Study

**Version:** 1.6

**Academic Year:** 2023/24

## REVISION HISTORY

Ver	Date	Author	Description
1.0	October 2013	Peter Greenall	Initial Approval of PMC procedure
1.1	May 2014	Scott Smith	Various amendments to process regarding ongoing conditions, timescales of applications and the addition of a terms of reference for panels.
1.2	April 2016	Scott Smith	Various amendments to include specific IoS elements and return to study guidance
1.3	July 2016	Scott Smith	Amendment to titles, roles.
1.4	October 2016	Scott Smith	Iterative changes based on operational feedback
1.4.1	September 2017	Scott Smith	Various minor amendments to terminology. Additional of section B1.6
1.5	March 2018	Scott Smith	Added section relating to appeals
1.5.1	May 2018	Scott Smith	GDPR section included
1.5.2	May 2021	Scott Smith	Various amendments throughout relating to internal College processes and procedures & removal of reference to Liverpool John Moores provision
1.5.3	August 2021	Scott Smith	Minor typographical amendments
1.5.4	June 2022	Scott Smith	Annual Review
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## APPROVAL

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## B1.1 INTRODUCTION

### B1.1.1 GENERAL

These regulations relate to the provision of higher education programmes delivered at Blackpool and The Fylde College.

Students or apprentices may occasionally experience serious medical or personal circumstances which can severely disrupt their ability to study and affect their performance in an assessment.

This procedure provides students with the opportunity to inform the College of these circumstances.

The Personal Mitigating Circumstances (PMCs) will:

- Have prevented a student from performing at their expected level in an assessment or examination or have prevented them from attending an examination.
- Be severe and exceptional.
- Be unforeseen or unavoidable.
- Be close in time to the affected assessment.

Support mechanisms between a student or apprentice, their tutors and Student Support and Wellbeing are established at the earliest opportunity of an enrolment. Personal Mitigating Circumstances applications will therefore normally only be granted where there has been an adverse change in a student's or apprentice's circumstances after their enrolment, or where Personal Mitigating Circumstances have been previously granted there must be an adverse change in their circumstances that can be independently evidenced.

### B1.1.2 APPRENTICESHIP BREAKS IN LEARNING

Apprentices undertaking a higher or degree apprenticeship should in the first instance discuss their circumstances with both their employer and Programme Leader before seeking approval of a break in learning and subsequently enacting the Interruption of Study procedure.

An approved break in learning replaces the evidential requirements of this procedure and will therefore automatically ensure the approval of an interruption. It is worth noting that for the same reasons as any other student, an apprentice will normally complete a return to study plan to ensure their return to study is academically sound. Please refer to sections B1.7 and B1.8 of this procedure.

### B1.1.3 WHAT ARE PERSONAL MITIGATING CIRCUMSTANCES?

Personal Mitigating Circumstances are a serious, significant event or events, which are unforeseen and/or unavoidable and that may appreciably impair a student's or apprentice's academic performance in one or more assessed activities and may possibly occur over a period of time. Personal Mitigating Circumstances may include medical matters or events directly affecting someone other than the student or apprentice.

#### **B1.1.4 WHAT IS INTERRUPTION OF STUDY (IOS)?**

If a student or apprentice (undertaken as part of the break in learning process) is temporarily unable to engage with their studies, they can apply for an authorised Interruption of Study. An Interruption of Study involves taking a complete break from study for an agreed period of time, usually for up to one academic year.

Please note that where a student or apprentice is applying for Interruption of Study, the same criteria for approval as used for Personal Mitigating Circumstances will apply i.e., a student may not interrupt their studies without good reason, there must be circumstances beyond their control that will have an adverse effect on their studies.

#### **B1.2 GROUNDS FOR PMC/IOS AND ACCEPTABLE EVIDENCE**

Examples of Personal Mitigating Circumstances may include but are not limited to:

- Significant physical or psychological illness.
- Severe personal difficulties.
- Acute illness or death of an immediate family member (e.g., mother, father, sister, brother, son, daughter).
- Sudden deterioration in a long-standing medical condition or disability.
- Being the victim of a serious crime.
- Legal proceedings requiring attendance at court.

##### **B1.2.1 REASONS NOT CONSIDERED**

Studying higher education undoubtedly places pressure on students and apprentices. The ability to manage workloads and competing pressures is therefore a skill which is further refined during studies. The following reasons would therefore not be considered as valid claims for Personal Mitigating Circumstances:

- Failure to read the examination timetable or coursework deadline properly.
- Pressure of work.
- Failure to save work properly / failure of IT equipment.
- Minor illnesses or self-induced conditions (colds, hangovers etc.).
- Domestic or personal disruptions which may have been anticipated (e.g., moving house, holidays etc.).
- Sporting fixtures.

The list above is not exhaustive and should therefore be used as an indicative guide.

## B1.2.2 SUPPORTING EVIDENCE

Examples of evidence of Personal Mitigating Circumstances.	
Serious physical illness	Medical certificate/hospital report/report from qualified medical practitioner on letter headed paper. Please note that a medical appointment letter will not normally constitute as valid evidence.
Psychological illness	Report from a psychiatrist, psychologist or Counselling Service.
Severe personal difficulties	Report from a Counselling Service, Welfare Service or another qualified professional.
Acute illness or death of an immediate family member or close friend	A medical report from a qualified medical practitioner or a copy of a death certificate, where appropriate, accompanied, if necessary, by formal documentation confirming relationship with deceased
Sudden deterioration in a long-standing medical condition or disability	A medical report from an appropriate, qualified medical practitioner
Being the victim of a serious crime	Crime report and number
Legal proceedings requiring attendance at court	Documentary evidence from the court or a solicitor

## B1.3 PMC APPLICATIONS

Applications will, normally, only be accepted before an assessment date when a student or apprentice is aware that they will be unable to attend an examination or submit a piece of assessed work and as with all applications, evidence must be produced to support the application. Applications submitted before an assessment date should also, whenever possible, be submitted no more than two working weeks in advance of the assessment date.

Where an application is presented after an assessment date it should normally be submitted within ten working days of the assessment date.

There will be occasions when students or apprentices are not fit to attend on the day of an examination, test or other form of assessment, in such cases they should:

- Notify, as soon as possible, the Programme Leader of their absence.
- Seek medical advice on the day and provide documentary evidence of incapacity.
- Submit a Personal Mitigating Circumstances Application Form within ten working days.

If taken ill during an examination, test or other form of assessment the following action should be taken:

- Notify the Senior Invigilator or Academic Tutor in charge so that a report can be made.
- Seek medical attention on the day and provide documentary evidence of incapacity.
- Submit a Personal Mitigating Circumstances Application Form within ten working days of the assessment.

Applications received after ten working days of the submission or examination date will not normally be considered.

The outcome of an approved application is that, for coursework, a revised assessment deadline is issued or for practical assessments or examinations a new date will be provided by the Programme Leader. Revised assessments will be provided in keeping with the principles set out in B1.6.

#### **B1.4 PMC AND IOS APPLICATION PROCESS**

Applications for Personal Mitigating Circumstances (PMC) and Interruption of Study (IoS) must be supported by relevant documentary evidence.

It is a student's and apprentice's responsibility to complete and submit the application. In exceptional circumstances a student or apprentice may nominate an advocate to submit the application on their behalf if they are unable to do so because of physical or mental incapacity. Academic colleagues cannot initiate the process but may, in exceptionally sensitive situations present a written statement to the Panel in support of a student or apprentice claim for PMC or IOS.

For both PMC and IoS applications the application form must clearly indicate each module and each assignment covered by the application and must confirm all relevant dates. Failure to complete the form in full will result in the application being rejected, applicants should therefore seek guidance from an appropriate member of staff, usually the programme leader, before submitting their application.

Applications should be submitted by email to [mitigating.circumstances@blackpool.ac.uk](mailto:mitigating.circumstances@blackpool.ac.uk) or may be presented to the campus reception at which they attend.

The Student Administration Manager will acknowledge the receipt of the application by email within three working days of receiving it. Either Student Support, Wellbeing and Inclusion and/or Higher Education Learning Mentors (HELMs) may also contact the student or apprentice to ascertain their support needs. For example, time management or study planning.

Normally correspondence will be conducted through Blackpool and The Fylde College email accounts; students and apprentices are advised to check their e-mail accounts regularly to monitor the progress of their application.

## B1.5 THE PANEL

All applications will be considered by a Personal Mitigating Circumstance and Interruption of Study Panel.

A typical panel is identified in Appendix B1- B – PMC Panel Terms of Reference.

The panel will determine the validity of each application by considering the following:

- The evidence to support the circumstance(s)
- The severity of circumstance(s)
- The nature of circumstance(s)

In cases of Personal Mitigating Circumstances:

- The time period in which to complete the assessment (i.e. date when an assessment was set and deadline for submission)
- Whether there was enough time to complete the assessment if the PMC were disregarded
- Whether the period affected corresponds with the date of the assessment

And in cases of Interruption of Study, the panel will establish a return to study plan that highlights previous achievement of assessment(s) in individual modules.

### B1.5.1 DOCUMENTATION AVAILABLE TO THE PANEL

The panel will have made available to it the following documentation:

- The Higher Education Award Regulations Part A.
- B1: Personal Mitigating Circumstances and Interruption of Study.
- Any previous PMC/IoS applications.
- The application form.
- Evidence to support the application.
- Documentation relating to any support already in place.

Additional documentation deemed relevant to the circumstance(s) may be requested by the panel or may be submitted by the academic team or by the student or apprentice in question where any party believes it may assist the panel in their deliberations, these may include but are not limited to, an Assessment Details Report and their attendance record.

The Panel is empowered by the Higher Education Academic Board to determine the validity of each case and will record one of the following outcomes for each application:

	Description	Action
<b>Accept</b>	The circumstances presented by the student or apprentice are supported by the documentary evidence provided and are deemed to have had an adverse effect on their performance in the assessments listed on the application.	<p><b>Personal Mitigating Circumstances</b>  An amendment will be made to the individual student or apprentice study plan to reflect appropriate adjustments in assessment deadlines or uncapped reassessment following discussion and negotiation with the Programme Leader. Where possible the reassessment of PMCs will comprise of the original assessment(s) except where a student or apprentice may gain unfair advantage over that of others in the same cohort. To ensure that any subsequent assessment is fair and equitable, the Programme Leader and student must agree on a reasonable new submission date and record this agreement. This agreement is a formal record of the new submission dates and must be adhered to; in not meeting the revised deadlines a student will be penalised through the validating body's late submission or reassessment procedures.</p> <p><b>Interruption of Study</b>  A return to study plan will be created to support the individual in their return to the College. The student or apprentice will be enrolled onto a zero-cost programme to ensure support is provided through any interruption.</p>

Partially Accept (PMC applications only)	<p>The circumstances presented by the student are supported by the documentary evidence provided and are deemed to have had an adverse effect on their performance in <u>some but not all</u> of the assessments listed on the application.</p>	<p>An amendment will be made to the individual student or apprentice study plan to reflect appropriate adjustments in assessment deadlines or uncapped reassessment following discussion and negotiation with the Programme Leader.</p> <p>Where possible, for the pertinent assessments, the reassessment of PMCs will comprise of the original assessment(s) except where a student or apprentice may gain unfair advantage over that of other students in the same cohort.</p> <p>To ensure that any subsequent assessment is fair and equitable, the programme leader and student or apprentice must agree on a reasonable new submission date and record this agreement. This agreement is a formal record of the new submission dates and must be adhered to; in not meeting the revised deadlines a student or apprentice will be penalised through the validating body's late submission or reassessment procedures.</p> <p>Where a panel makes the decision to reject particular assessments, students or apprentices may appeal the decision through the College's Appeals Procedure. Please refer to Section B1.9.</p>
Defer	<p>The circumstances presented by the student or apprentice are deemed to have had an adverse effect on their performance in the assessments listed on the application, however the documentary evidence provided is insufficient.</p>	<p>The application is placed on hold and the student or apprentice is contacted to obtain further evidence.</p>

Reject	<p>The circumstances presented by the student or apprentice are not deemed to have had an adverse effect on their performance in the assessments listed on the application.</p>	<p>The student or apprentice is subject to the normal assessment regulations relating to non-submission and reassessment.</p> <p>Where a panel makes the decision to reject an application students or apprentices may appeal the decision through the College's Appeals Procedure. Please refer to Section B1.9.</p>
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## B1.6 PRINCIPLES OF PMC ASSESSMENT

- i. A PMC assessment should never advantage a student or apprentice over their peers.
- ii. A PMC assessment is not normally a reassessment, it is an extension to the original assessment deadline, wherever possible this extended deadline should fall before the feedback deadline for the original submission.
- iii. Tutors must issue a revised assessment front sheet ensuring that the student is fully aware of where to obtain support and when and how to submit their PMC assessment.
- iv. Students or apprentices are, where appropriate, permitted to improve a previous submission. However, where a student or apprentice may, for example, have completed most of an examination before falling ill, they must be provided with a new assessment.
- v. The amount of time provided to a student or apprentice to complete the assessment should not exceed the time provided to the students or apprentices who took the assessment originally. **Note:** Where a *substantial* amount of work is to be undertaken through an approved PMC or when existing assessments may influence a student's or apprentice's ability to submit PMC work in the original timescale, tutors should use their academic judgment to select an appropriate deadline outside the original timescale but should always bear in mind principle i.

## B1.7 INTERRUPTION OF STUDY SUPPORT

Applicants should be aware that applications for interruption will not normally be approved towards or at the end of a stage where there is no previous evidence that a student or apprentice have been unable to submit their best work, e.g., previous, in year, approved PMC applications.

Immediately following the approval of an Interruption of Study, the student or apprentice will be contacted by Student Support, Wellbeing and Inclusion (SSW) or, where appropriate, Higher Education Learning Mentors (HELMs) to discuss their support needs.

During an interruption, students or apprentices will periodically be contacted by SSW or HELMs. This contact is provided to:

- Maintain support throughout the interruption and in the period before a student's or apprentice's return.
- Provide the opportunity for a return to study session that will enable a student or apprentice to re-engage confidently with the College. Where possible the student's or apprentice's Programme Leader will be available at the return to study session, or soon after, to answer any questions the student or apprentice may have and to provide any resources that may aid their return.

As soon as is reasonable following the approval of an interruption the Higher Education Academic Registrar or nominee, the relevant Programme Leader and the student or apprentice in question will discuss and complete a Return to Study Plan. This plan sets out the interruption in terms of finance, return dates, modules and assessments. If a student or apprentice is unable to attend this meeting the plan will be completed in their absence. On completion, the plan will be emailed to the student or apprentice. If a student or apprentice is not content with the details of the plan, they must contact the Higher Education Directorate at [highereducation@blackpool.ac.uk](mailto:highereducation@blackpool.ac.uk) within fifteen working days. If no contact is made by the student or apprentice, it will be presumed that they have accepted the details of the plan.

Students or apprentices who have interrupted their studies (break in learning) will be withdrawn from their original programme of study and enrolled to a separate zero-cost course code for the duration of their interruption. This temporary enrolment will ensure that they continue to have access to central college facilities and support services. Students or apprentices should not attend classes or undertake any assessments during their period of interruption, nor should they initiate contact with academic colleagues unless asked to do so by Student Support and Wellbeing or Higher Education Learning Mentors.

## **B1.8 MATTERS TO CONSIDER FOR STUDENTS INTERRUPTING STUDY**

Blackpool and The Fylde College will wherever possible offer readmission to the original programme following an Interruption of Study.

There may however be circumstances when this is not possible. This is most likely when a programme is updated through the College's validation processes or when the number of students or apprentices applying to a programme is inadequate to provide a sustainable cohort.

Where changes have been made to the College's provision, students or apprentices may in some cases:

- As a requirement of the updating of a programme be required to study additional modules to successfully achieve a qualification.
- Be prevented from returning to the same programme where it is significantly different from their original programme.

- Be prevented from enrolling onto the same programme when the programme is withdrawn.

Students or apprentices, whenever possible, will be informed of potential changes to the status of their programme prior to their interruption, this however cannot be guaranteed.

Where a programme of study, for whatever reason, following an Interruption of Study is no longer available, Blackpool and The Fylde College will endeavour to provide a suitable alternative.

The section above will always align with the College's Student Protection Plan.

Students should also be aware that, on their return, their tuition fees may have increased and dependant on the details agreed in a Return to Study Plan, a student's financial payments may be affected. Students should always seek the advice of both Blackpool and The Fylde College's Higher Education Student Administration Manager ([mitigating.circumstances@blackpool.ac.uk](mailto:mitigating.circumstances@blackpool.ac.uk)) and the Student Loans Company prior to the approval of an application.

## B1.9 APPEALS

Students or apprentices have the right of appeal when an application has either been partially or wholly rejected.

Where the original panel's decision is to reject, either because the application form was incomplete, or they were unable to decide because of a lack of evidence, students or apprentices should submit a new application and not an appeal.

Appeals will therefore only be heard when a student or apprentice believes that the rejection of their application has been in some way unreasonable or prejudiced.

## B1.10 GENERAL DATA PROTECTION REGULATION

Students and apprentices should be aware that any information provided to support an application for either Personal Mitigating Circumstances or Interruption of Study will always be treated as confidential and only shared with relevant colleagues. Information provided by students or apprentices within the scope of this policy, may however be used in conjunction with another College procedure as appropriate.

Under UK General Data Protection Regulations, Retaining Personal Data (Principle 5), personal data should not be kept any longer than is necessary for the purpose for which it was obtained.

Any applications received within the scope of this policy will be logged against the student record, indicating which assessments are associated with a Personal Mitigating Circumstances or Interruption of Study application. This will remain in perpetuity.

Students and apprentices should make every effort not to provide details in support of an application that relates to a third party. Wherever possible, evidence should identify the effect any circumstances have had on themselves. Where evidence involving a third party is provided, under UK GDPR Article 14, Blackpool and The Fylde College may be required

to notify third parties that it is processing their data. Where possible and appropriate any such evidence should have personal information redacted; if evidence is received that has not been redacted the Student Administration Manager will redact personal information immediately following its presentation to a panel.

Colleagues of Blackpool and The Fylde College who participate in a Personal Mitigating Circumstances panel should be aware that information about them acting in their professional capacity may be disclosed to the Office of the Independent Adjudicator (OIA) if it formed part of the information which has been considered under a Blackpool and The Fylde College process.

## APPENDIX B1-A – PMC PANEL TERMS OF REFERENCE

Chair	Higher Education Academic Registrar (or nominee)
Membership	A minimum of two academic colleagues (drawn from different curriculum areas, varying each meeting) The panel is considered quorate when a minimum of three members are present.
In Attendance:	Student Support, Wellbeing and Inclusion
Minuting	Student Administration Manager
Frequency	Monthly (or additionally as required)
Summary of purpose	Responsible for ensuring the fairness and reliability of all judgments against Personal Mitigating Circumstances or Interruption of Study applications and to consider whether there are actions or events outside the control of a student which may have caused them to fail, to attend an examination, submit work or perform at a lesser academic standard than might have been expected.
Terms of Reference	<ul style="list-style-type: none"> <li>• To review individual applications to determine whether the Personal Mitigating Circumstances in respect of formal assessments are valid or invalid.</li> <li>• To review individual applications relating to Interruption of Study to determine whether they are valid or invalid.</li> <li>• To liaise with Student Support and Wellbeing and HE Learning Mentors to facilitate additional learner support (ALS) and, where appropriate, the Safeguarding and Prevent Manager.</li> <li>• To establish that evidence is valid, i.e., authentic and appropriate and that it relates to the assessment in question and that it has been submitted by the required date.</li> <li>• To establish, through the Higher Education Academic Registrar or nominee, a return to study plan, in terms of previous achievement of assessment(s) in individual modules, for students with approved Interruption of Study.</li> <li>• To provide an annual report to the Higher Education Academic Board.</li> </ul>
Date of last review	July 2023