Mitigating Circumstances Policy: Guidance for staff

About this guide

Purpose of this guide

This document provides guidance to staff on interpretation of the Mitigating Circumstances Policy, including guidance on decision making.

It is not intended to be a replacement for the policy document – it provides guidance in specific areas which are too detailed or lengthy to be included in the policy document itself. It should always be read in conjunction with the policy document.

It is also not a guide to how to use the system on Student Records – for an explanation on how to use the online system, please see the System's Guidance for staff.

Mitigating Circumstances Overview

Mitigating Circumstances are significant and unavoidable events which are beyond a student's control, and which may affect a student's performance in a summative assessment.
This includes both foreseeable and unexpected events - so long as they are unavoidable, they can, in principle, be covered by the mitigating circumstances policy.

How are they governed or regulated?

Mitigating circumstances are defined in King's College London's Academic Regulations for the relevant year, and in the Mitigating Circumstances Policy. The policy is typically updated every 3-years but may be updated earlier if circumstances demand. The Academic Regulations are updated annually.

There is also extensive student advice on Student Services Online and decisions should respect the advice given to students at the time they requested mitigation.

Undisclosed/unaccepted Mitigating Circumstances can also form part of an academic appeal, and some provisions in these guidelines are for consistency with how Mitigating Circumstances are dealt with at appeal.

Roles and Responsibilities

Formally, responsibility for dealing with MCF requests rests with the Assessment Sub-Board (ASB), – see section 9 (i) of the regulations and any departmental/faculty provisions need to be approved by the ASB.

The University policy allows considerable freedom in how Mitigating Circumstances are considered at a practical level. The policy consistently refers to "faculties", but "faculty" can be understood as "department" where appropriate and vice versa.

The role of "reviewer" or "decision maker" for a Mitigating Circumstances request can be taken by different people, depending on the complexity of the request and its mitigations.

Straightforward cases, that is cases that are not "Complex cases", (see below) can be considered by professional services (PS) staff (at the "Departmental/faculty triage" stage, see below) or by academics, or by PS staff and academics in conjunction. The policy does not prescribe how cases that are not "complex" are considered, nor whether this is at department or faculty level.

For cases that are "complex" there must be a "nominated individual" in the faculty/department to whom these cases are referred.

The nominated individual can decide that, in fact, a case is not "complex" and it can be returned for consideration as a "non-complex case", but if it meets the criteria of a "complex case" then there are specific minimum standards to be met for its consideration.

Decision for "Complex cases" must be made by a minimum of two staff (see paragraph 6.3 of the policy for rules on minimum requirements) but they can also be considered by a panel if that is faculty/department practice, but Faculty Assessment Board chairs cannot be involved in the decision making.

Accordingly, there are many different ways in which cases can be considered, for example combining department and faculty levels as follows.

Dept triage ↔ Dept "nominated person" ↔ Dept panel for complex cases

Dept triage ↔ Dept "nominated person" ↔ Faculty panel for complex cases

Dept triage ↔ Faculty panel for all cases (to include "nominated person")

Faculty triage ↔ Faculty panel for all cases (to include "nominated person")

Faculty triage ↔ Faculty "nominated person" ↔ Faculty panel for all cases

Faculty triage by a team of trained academics that are paired up for complex cases

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Departmental/faculty triage (see below) can include decisions being made by PS staff without reference to an academic reviewer or can simply be a check on evidence and details before referring the case to an academic reviewer for a decision, or a combination of the two.

Nominated Individual

For departments/faculties that have a "triage" stage, there must be a "nominated individual" to whom complex cases are referred. As per the policy, this "nominated individual" should be a grade 6 member of staff (where able), or minimum of grade 5 (for PS staff) or an academic.

The responsibility for nominating this individual lies with the Assessment Sub-Board – see section 9 (i) of the regulations.

Evidence

Information about acceptable evidence is available on [Student Services Online](#) and should be approved in line with this guidance for transparency to students. If the SSO guidance is updated, the evidence requirement will remain the same as the requirement that was in force at the time the student submitted the MCF. Where a student does not submit sufficient evidence in line with this guidance, they should be encouraged to submit the necessary further evidence, in the designated timeframe.

Section 5 of the [policy](#) outlines timeframes for receiving evidence, including where a faculty can use their discretion to extend the deadline. Once the deadline has passed, and the MCF has been rejected, prior to results being released, students can resubmit the MCF with evidence, if they have good reason. Once results have been released, the student [Appeals process](#) must be followed instead.

Translation tools

The policy notes that evidence provided by the student must be in English or be an original document in another language accompanied by a translation in English. It is therefore advised that students should be encouraged to use the following free translation tools: [DeepL](#) or [Google Translate](#). If a student decides to use a translator, or another translation tool, then this will likely result in a fee for them to pay. While using these translation tools, students should be made aware that they are giving their (potentially) personal data over to a third party for processing.

Decision Making

The Policy makes a distinction between "Straightforward cases" and "Complex cases". (See 6.2 in the [policy](#)). This distinction is important when a department/faculty uses an initial "triage stage" as the policy allows "straightforward cases" to be considered by PS or academic staff, but "complex cases" require consideration by at least two people with conditions on who they can be.

Departmental/faculty triage

In the policy, "triage" refers to an initial stage which both decides if a case is "[straightforward](#)" or "[complex](#)" [the usual meaning of triage], but also makes decisions on "straightforward" cases. "Triage" can be carried out by department or faculty PS staff or academic staff, and decisions in "straightforward" cases can be made by such staff without reference to any further staff. Cases that the staff undertaking "triage" consider might be "Complex" must be referred to the dept/faculty nominated person/panel for consideration.

Straightforward cases

A "straightforward" case is one that is not "[complex](#)" (see below).

There are specific examples of cases that are "complex" given in the policy (see below), but it also includes "any other situation where a decision is not straightforward"; this has a common-sense interpretation: if the standard reviewers of a case are uncertain what to do, for whatever reason, that automatically makes it likely to be a "complex case".

Reviewers should always consider if a case is "complex" (and hence needs referring to the "nominated person") before applying a mitigation or rejecting a request.

Complex cases

A "complex case" is defined by the policy:

> A complex case is one where the usual process of granting a deferral or extension does not appear to be appropriate because the student has complex support needs, the mitigation will have a significant academic impact and wider input and expertise is required, or any other situation where a decision is not straightforward. This includes where mitigation will have an impact on a student's progression, award or maximum period of registration.

Note that this includes "any other situation where a decision is not straightforward"; this has a common-sense interpretation: if the standard reviewers of a case are uncertain what to do, for whatever reason, that automatically makes it likely to be a "complex case". If the nominated person can clarify a complex case that may become a straightforward case, then that can be returned to the standard reviewers.

A case that falls within this definition requires consideration by at least two people (see above for the rules on who is allowed to do this), but the policy does not prescribe how cases that are not "complex" in this way are considered, nor whether this is at department or faculty level.

Cases which are not straightforward can include:

- the evidence is ambiguous/borderline,
- the student has attempted the assessment and then submitted an MCF,
- the requested mitigation is non-standard,
- the student has submitted multiple requests, suggesting that the student may require some form of support,
- the mitigation could affect student progression, or result in a student exceeding the length of their programme, or the overriding University 10 year rule.

These have to be forwarded to a "nominated person" for further consideration.

The mechanism for identifying "complex cases" is also not prescribed and will depend on the way in which standard ("straightforward") cases are dealt with. All cases which are not "complex cases" can be considered in the standard manner for that dept/faculty (which could be by the "nominated person", someone delegated the role, a dept/faculty panel, etc). If "straightforward" cases are not automatically considered by two or more people in a manner permitted for "complex cases", then they must be identified and forwarded to a "nominated person" (see above) for consideration under the specific complex case rules.

Requests to defer some, but not all, assessments

A student may request to defer some, but not all, of the assessments for which they have acceptable evidence – see policy section 7.2 which says

> A request cannot be rejected on the grounds that it does not include all assessments that could have been affected by the mitigating circumstances.

If a student has acceptable evidence to support a mitigating circumstances request, then they may choose to support a request to defer some, all, or none of the assessments covered by the evidence. Students are allowed to choose to undertake assessments while affected by mitigating circumstances, in the knowledge that their marks may be lower as a consequence.

This applies to many acceptable reasons, not just those which have evidence which explicitly states that a student needs to defer some, but not all, assessments.

Whether an MCF such as the above is accepted is at the discretion of the person reviewing the request.

Requests after date of affected assessment

As per the policy (paragraph 4.8 (b) and (c), a student may submit a request no later than 5 working days after the date of affected assessment. Exceptionally a student can subsequently decide to apply for an MCF after the 5-working day deadline, but the student must have good reason and supporting evidence as to why they did not follow the standard procedure. A student cannot submit an MCF once results have been published (provisionally or formally ratified), and it is therefore suggested that marks are not published until 5 working days after the assessment has been held.

Requirement to offer mitigation

The policy makes clear that students with valid mitigating circumstances must be offered a mitigation. If a student has made a request for a mitigation that is inappropriate or cannot be delivered for some reason, they must be offered the choice of at least one appropriate mitigation. It is not allowed simply to reject the request because the requested mitigation is not appropriate.

Specific cases

CASE	ACTION	Notes
Student has submitted MCF within 5 working days, the grounds are clearly acceptable, and they have provided evidence that is dated, named and written in English/ translated	Approve MCF: either • Extension of 10 working days from the original submission date in the case of an electronically submitted assignment. • Replacement assessment/exam if it is an in-class test or timed online exam and in cases where exam integrity is at risk	If submission is after 5 working days request further evidence explaining delay, follow guidance complex cases If unsure if exam integrity is at risk escalate to Assessment Sub-Board (ASB)
Student has submitted MCF within 5 working days, the grounds are possibly or clearly unacceptable, and/or they have provided evidence that is not obviously acceptable	Escalate to ASB	
Student has submitted MCF within 5 working days, the grounds are acceptable, but they have not provided evidence that is dated, named and in English/translated	Request further evidence and set provisional evidence date to 10 working days after the initial deadline/exam date. Offer replacement/extension	

CASE	ACTION	Notes
	provisional on evidence submission	
Student has cited mental, physical or emotional distress and/or has been a victim of crime	Escalate to ASB	This is classed as a complex case
Student has submitted after 5 working days of the assessment	Escalate to ASB	
Student has applied for 2 or more MCFs previously in the same academic year	Escalate to ASB	

Pathway to Support

When an MCF indicates a potential support need, the Pyramid of Support can be used as a guide to help respond to the student, or to consider next steps.

The levels of support as set out in the Pyramid are:

1. If there are lower level wellbeing issues indicated such as fatigue or a short period of stress as a result of an event or incident, or a period of unwellness or difficulty which has now mainly passed, the student may benefit from accessing resources to support their general wellbeing, such as Peer Support, input from their Personal Tutor, King's Sport & Wellness, Togetherall (for mental health) or the KCLSU Wellbeing Hub.
2. Where the student's MCF indicates they would benefit from targeted advice or general support – for example, from the Visa & International Advice team, Money Mentors, KCLSU Advice & Wellbeing, the Chaplaincy, Faculty Wellbeing Advisors or Student Support Managers, or (for students in King's Residences) the Residential Wellbeing team.
3. If the student needs specific or specialised personalised help (rather than just advice), where the issues are more complex or immediate; for example, from the Money & Housing Service, Report + Support, Counselling & Mental Health, Support for Study, Disability Support & Inclusion or the Visa & International Advice team.
4. Where there are Serious Concerns for the student's welfare or mental health, that require outreach within 1-2 working days (but which are *not a crisis requiring immediate intervention* to prevent harm to self or other), the Student of Concern team.
   - Please note that if the MCF raises concerns which indicate that there may be an immediate or imminent risk to self or other, Crisis Guidance should be followed and the student supported to access appropriate external or emergency services prior to submitting a SOC.

Signposting or helping the student to access appropriate support:

- The submission of the MCF will have generated an automatic email response, tailored to the category of issue the student is or has been experiencing and signposting them to appropriate support services.
- However, where there are concerns for a student's mental or physical wellbeing, for their welfare or for their academic progress, it may be appropriate when reviewing the MCF to

either remind students of appropriate support, or to refer them directly[1], to Faculty or Central Support Services.

- Concerns may be raised in response to a single MCF which discloses that the student is experiencing difficulties, or as a result of an emerging pattern of MCFs which indicate potential vulnerability.
    - o Whilst it is expected that this will be considered on a case-by-case basis, it is anticipated that the submission of 3 or more MCFs in any academic year (where the MCF does not relate to an existing PAA) is an indication that the student would benefit from additional support.
    - o These MCFs may be raising a similar issue (such as IT concerns) or a range of apparently unrelated issues (e.g. Finances, physical health, problems with accommodation) which may not, by themselves, be sufficient to indicate a specific concern in any one area.
    - o Alongside signposting or referral to an appropriate service (such as Disability, Money & Housing Advice etc) it would normally be appropriate to offer the student a conversation with their Personal Tutor, or a Support for Study meeting.

Notifying the student of any referral made

Students should be notified if a referral to either Faculty or Central Support teams is made as a result of the MCF.

- Consent should always be sought for a referral as this impacts significantly on the likelihood of the student engaging with support offered.
- However, it is recognised that where the student's engagement with the University is sporadic or if there are serious concerns for their wellbeing or welfare, that it may not be possible or appropriate to delay actions.

Faculty Based Support

- Faculty Wellbeing Advice - the student or referring staff member can contact the FWA team who will respond within 7 working days to offer an appointment to look at how the student's support needs.
- Student Support and/or Student Experience Managers – each Faculty has either (or both) an SEM or SSM who can assist with issues which may be arising in relation to the student's academic progress, or where they would benefit from some advice or help in accessing support for their wellbeing.
    - o There is no central list of SEM/SSMs, but if you need to contact them, or to provide their information to a student, you can expand the list of recipients on the following group email addresses to find your Faculty colleague - Student Support Managers' Network <SSM-Network@kcl.ac.uk> or Student Experience Managers' Forum <SEM-Forum@kcl.ac.uk>)

Central Support Services

- Disability Support & Inclusion - where a student shares a disability for the first time to a member of University staff, the staff member is deemed to have received the information on

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[1] With the exception of Counselling, all Faculty and Central Support Services can act on referrals from someone other than the student which will trigger outreach. The student can then choose whether or not to engage with that support offer.

behalf of the University and has a duty of care to report the student's declaration to the Disability Support and Inclusion Service. This enables the University to ensure support is offered promptly.

- Where a student discloses a disability, a referral can be made directly to the DS&I team by emailing disability@kcl.ac.uk
  - A 'Disability' may include:
    - learning difficulties, such as dyslexia, dyspraxia, or ADHD
    - A mental health condition, such as anxiety or depression
    - A physical disability
    - A long-term health condition, such as cancer, chronic heart disease, Fibromyalgia, or HIV
- [Personalised Assessment Arrangements](#)
- Information on all other Central Support services can be found via [Student Services Online](#).

"Normal" stress vs mental health conditions

When a student requests a Mitigating Circumstances Form (MCF) for stress, it is crucial to differentiate between stress caused by typical academic pressures and stress resulting from a diagnosed mental health condition.

Normal stress is a common experience for students, often stemming from exams, deadlines, and balancing new responsibilities. It is usually temporary and its impact is directly related to the events mentioned above. Just like the stress episode itself, this can be managed through pastoral support from the first 2 levels of the Pyramid of Support.

Stress originating from a **diagnosed mental health condition**, such as anxiety disorder, depression, or other presentations, is more severe and chronic. If the student doesn't mention this specifically or with clear information that confirms it (such as medications, hospitalisations, etc), but you've noted that the distress is/had impaired significantly the student's daily functioning and academic performance (E.g. repeated requests, mentions of not being able to carry one basic functioning in daily life), they might require a professional assessment, and/or ongoing treatment and accommodations.

If unsure, a quick check with the Student Support Manager of the faculty in question, or the Faculty Wellbeing Advisor in absence of the first, should help you clarify and make a call for the MCF's resolution.