ICA POLICY AND PROCEDURES ON MITIGATING CIRCUMSTANCES
# ICA Policy and procedures on mitigating circumstances

## Contents

1. Introduction .................................................. 2
2. ICA policy .................................................. 2
3. Grounds for mitigation .................................. 3
4. Requesting mitigation ................................... 4
5. Documentary evidence required for mitigating circumstances .... 5
6. Approving mitigation .................................... 6
7. Applying mitigation ...................................... 6
8. The right of appeal ....................................... 7
1. **Introduction**

1.1. The policies and procedures contained herein apply to all registered ICA candidates irrespective of their mode, level or place of study.

1.2. During the course of their studies, candidates may suffer from an illness or misfortune that adversely affects their ability to complete an assessment or the results they obtain for an assessment. This policy sets out ICA’s arrangements for considering requests for mitigation in such circumstances.

1.3. ICA will ensure that such misfortunes are dealt with systematically and that candidates are treated equitably.

1.4. It is important for candidates to remember that, in order to qualify for consideration, the adverse circumstances or events must be unforeseeable or unpreventable and sufficiently disruptive to have a significant adverse effect on their academic performance or their ability to complete an assessment by the due date.

2. **ICA policy**

2.1. ICA defines mitigating circumstances as unforeseeable or unpreventable circumstances that could have, or did have, a significant adverse effect on the academic performance of a candidate.

2.2. In such cases, mitigation may be applied, i.e. treating marks or results in a way that acknowledges the adverse impact that may have resulted from those circumstances or events, or waiving penalties that would arise from late submission.

2.3. Mitigation will not result in the changing of any marks, unless penalties for late submission are waived after an assignment has already been marked. Instead, mitigation may result in some marks being disregarded and the assessment being excused because the outcome was adversely affected.

2.4. Mitigation may also mean treating overall performance as borderline (even though the marks the candidate obtained overall would not normally be high enough) and offer candidates a more favourable result.

2.5. Candidates are responsible for submitting their own requests for consideration of mitigating circumstances.

2.6. Candidates should contact ICA as soon as possible if they need to apply for mitigating circumstances to be taken into account.

2.7. Requests for mitigation submitted two weeks before an assessment period (except as a result of circumstances that have arisen during the course of that assessment period) will not be considered without a credible and compelling explanation as to why the circumstances were not known or could not have been known beforehand.
2.8. If a candidate wishes to claim mitigating circumstances, they must complete the Mitigating Circumstances request form.

2.9. The form should be emailed to ICA, observing the two-week deadline for the submission of mitigating circumstances, together with any independent third-party supporting or corroborative documentation.

2.10. Requests for mitigation submitted after the published date for the beginning of an assessment period (except those requests made as a result of circumstances that have arisen during the course of that assessment period) will not be considered without a credible and compelling explanation as to why the circumstances were not known before the beginning of the assessment period or why the candidate was unable to complete or submit an application before the published date.

2.11. A candidate cannot submit the same standalone, individual circumstance as a request for mitigation more than once, unless the candidate can show that the circumstance exacerbated a previously reported problem in some way, or that the effects on the candidate have lasted longer than expected.

2.12. Candidates will not be granted mitigation more than once for any one assessment. Nonetheless, a candidate may be granted both specific mitigation (e.g. for an illness or operation that prevents completion of an assessment) and more general mitigation (e.g. because of prior symptoms or after-effects).

2.13. The nature of supporting or corroborative documentation will vary according to the nature of the circumstances, but it must be sufficiently independent to confirm the veracity of the case the candidate is making (e.g. a letter or medical certificate signed by a medical practitioner, a document from an outside agency).

2.14. Requests for mitigation will be processed formally and judged impartially. The procedures will be applied consistently but with enough flexibility to allow them to apply equally to any programme-specific assessment requirements.

2.15. Arrangements will be proportionate, so that minor problems can be dealt with quickly with a minimum of bureaucracy. Wherever possible, decisions will be made swiftly and reported back to the candidate without undue delay.

3. **Grounds for mitigation**

3.1. Possible mitigating circumstances include:

- significant illness or injury, or worsening of an existing illness or disability, including mental health conditions
- the death or critical/significant illness of a close family member/dependant
- significant family or personal crises or major financial problems leading to acute stress
• being the victim of a crime
• unplanned absence arising from such things as jury service or maternity, paternity or adoption leave
• unexpected emergency travel connected with employment (employer’s confirmation would be required)
• regulatory spot-check visits, i.e. not pre-notified or planned (employer’s confirmation would be required).

3.2. Circumstances that will not normally be regarded as grounds for mitigation include:

• holidays, moving to a new residence or any events that were planned or could reasonably have been expected
• assessments that are scheduled close together
• misreading the timetable or misunderstanding the requirements for assessments
• inadequate planning and time management
• an act of religious observance
• exam stress or panic attacks not diagnosed as illness or supported by medical evidence
• disruption in an examination room, during the course of an assessment, which has not been brought to the attention of, or recorded by, the invigilators (including instances such as fire alarms or other noise disruption)
• failure, loss or theft of a computer or other equipment
• consequences of paid employment, other than the circumstances noted in section 3.1.

3.3. For the avoidance of doubt, pregnancy is not an illness but an altered state of normality so that, unless a pregnant woman has an illness, she decides how near to the birth she will work. Events may arise during pregnancy that may constitute mitigating circumstances, and these need to be judged on an individual basis. Note that UK legislation does not allow a woman to work in the first two weeks following the birth.

4. Requesting mitigation

4.1. It is the sole responsibility of the candidate to submit a request for consideration of mitigating circumstances before the element of assessment for which they wish to request mitigation. Prompt submission makes it easier to offer flexibility in the arrangements for assessment, as envisaged above.

4.2. Candidates may first seek advice from ICA’s office as to whether the adverse circumstances are sufficient to warrant consideration by ICA’s Assessment Board.

4.3. Candidates should contact ICA as soon as possible if they consider that some serious illness or misfortune has adversely affected their ability to complete one or more assessments even within the extended deadline, or
if they believe that the results they might obtain from one or more assessments will be adversely affected.

4.4. If the information is highly confidential, details can be submitted in hard copy format in a sealed envelope together with the supporting documentary evidence to:

ICA Senior Manager (Qualifications and Assessment)
ICA
Wrens Court
52 – 54 Victoria Road
Sutton Coldfield
West Midlands
B72 1SX

All information will be securely destroyed once it has been reviewed and verified.

4.5. Requests submitted as a result of circumstances that arose during the course of assessment will be considered at the relevant meeting of the Assessment Board if possible, or for subsequent Chair’s action on behalf of the Board.

4.6. ICA will need to agree that the candidate’s circumstances were unforeseeable and unpreventable and that the effect on their academic performance would have been significant. ICA will then decide how to apply mitigation, on the evidence available on their performance (assignment marks and examination marks, as appropriate).

4.7. Completed Mitigating Circumstances request forms should be emailed to ICA at icaassessments@int-comp.org

5. **Documentary evidence required for mitigating circumstances**

5.1. Requests should be accompanied by appropriate, independent, third-party supporting or corroborative documentation, which should be written in English (or suitably translated). It will be checked to ensure that there are no doubts about its authenticity.

5.2. If the information, and details of the mitigating circumstances, are considered to be highly confidential, candidates should submit these by post attached to the Mitigating Circumstances request form, together with the supporting documentary evidence.

5.3. Candidates are advised to submit independent and time-specific evidence to support a request for mitigation. ICA should be satisfied that any evidence is sufficiently independent and contemporaneous to confirm the veracity and impact of the circumstances that the candidate is describing.
5.4. ICA will check the evidence to be satisfied that the circumstances described by the candidates are accurate and that the evidence is authentic. It would be expected, for example, that evidence is provided on letterheaded paper, written in English (or certifiably translated), clearly states the name and signature of the author of the material, includes relevant dates, and clearly refers to the candidate by name.

5.5. Candidates who have made ICA aware of permanent or long-term mitigating circumstances at the point of enrolment should not routinely be asked to provide medical evidence to support their application in relation to each individual assessment. If such candidates have stated external factors that have exacerbated their circumstances, however, then evidence of these external factors should still be provided.

5.6. Once ICA have reviewed and confirmed the authenticity and relevance of the evidence, all evidence will be securely deleted or destroyed and not retained. The Mitigating Circumstances request form will be retained, and a record will be kept of the decision and the mitigation applied, but not the personal circumstance that justified the mitigation.

5.7. If ICA believe that the evidence is questionable or insufficient it may request additional evidence and will reject the application until further evidence is provided.

6. Approving mitigation

6.1. ICA will determine whether there is substantiated evidence of circumstances eligible for mitigation. It will then decide whether the circumstances will have had an adverse effect on the candidate’s performance, and if so, it will judge how significant the effect was likely to have been.

6.2. ICA may judge that the effect would have been negligible (for example, in the case of a minor illness or a minor disturbance in an examination room), or it may judge that the effect would have been significant, in which case mitigation will be approved.

6.3. Mitigation may be approved for a specific assessment, for more general impairment over a number of assessments, or for both.

7. Applying mitigation

7.1. The mitigation applied will depend on how serious the adverse circumstances were and how far the candidate is from any borderline on the basis of the existing mark, or profile of marks: the further a candidate is from a borderline, the more serious the adverse circumstances need to be to change the original assessment outcome.

7.2. When mitigation is approved for a problem that arose during an assessment and that prevented candidates from meeting an assessment
date (e.g. assignment deadline), candidates may be entitled to an extension to an assessment deadline or deferral of assessment.

7.3. A deferral of assessment is the postponement of the date on which the candidate is due to submit an assessment, or sit an examination, until the next opportunity, and will be allowed without penalty.

7.4. Accepted mitigating circumstances that a candidate claims detracted from their performance will be submitted to an Assessment Board so that ICA can consider the impact on the candidate’s result.

7.5. The Assessment Board will determine how to apply mitigation, given the candidate’s actual assessment results.

7.6. For each case, the Assessment Board will start from the available assessment results and the decision that they imply. The Board will receive information from ICA on mitigation that conveys a view of the severity of the impairment suffered by the candidate.

7.7. The Assessment Board may agree to apply general mitigation to the overall performance of the candidate. In such cases, the Assessment Board will judge, in the light of the severity of the impairment and of other available evidence, such as the candidate’s prior performance, whether without the impairment the candidate would have reached higher overall marks sufficient to demonstrate appropriate learning outcomes for a particular award.

7.8. The Assessment Board may agree that, notwithstanding the approved mitigating circumstances, the available results provide insufficient evidence of achievement to judge whether the candidate would have demonstrated appropriate learning outcomes for a particular award.

7.9. The remedies available may then be restricted to granting permission for the candidate to take any missing assessments on a subsequent occasion or to re-take an assessment in which performance was severely impaired.

7.10. Such further assessment would be equivalent to the original assessment affected by the mitigating circumstances, so that the candidate would not forfeit any re-assessment opportunities.

7.11. If there is a credible and compelling explanation as to why the circumstances were not brought to the attention of ICA at an earlier stage, requests made after the publication of results may be considered.

8. The right of appeal

8.1. Where a request for mitigating circumstances is refused, a candidate may appeal the decision.

8.2. Appeals against a decision relating to a request for mitigating circumstances will only be accepted on one or more of the following grounds:
that there exists or existed circumstances affecting the candidate's performance of which, for good reason, the Assessment Board may not have been made aware when the decision was taken, and which might have had a material effect on the decision, and/or

- that there had been a material administrative error or procedural irregularity in the assessment process or in putting into effect the regulations for the programme of study of such a nature as to cause significant doubt about whether the decision might have been different if the error or irregularity had not occurred, and/or

- that there is evidence of prejudice or bias on the part of ICA.

8.3. A formal appeal may be initiated in writing by submitting it to the ICA Assessment team within 20 working days of notification of the result or decision. With the formal appeal, the candidate should also submit any documents they wish to be considered in the appeal.

8.4. A candidate may submit an appeal only on their own behalf. An appeal submitted by a third party will not be accepted unless accompanied by written authorisation from the candidate.

8.5. An appeal which questions the academic or professional judgement of those charged with the responsibility for assessing a candidate's request will not be permitted.