



The Inns of  
Court College  
of Advocacy

**ICCA Bar Course Admissions**

# **Mitigating Circumstances Applications**

**Guidance on applying for the exercise of  
discretion due to Mitigating Circumstances in  
respect of applications**

Version 3 Updated and approved 29 March 2022

# Introduction

1. Please ensure that you read this guidance carefully. It contains mandatory requirements for making an application for mitigating circumstances during the ICCA Bar Course admissions process. Failure to follow this guidance is likely to result in your application being unsuccessful.
2. The minimum academic requirements for entry to the ICCA Bar Course include a minimum acceptable undergraduate law degree award of an Upper Second (2:1) or, for students without an acceptable law degree, a Graduate Diploma in Law (or equivalent law conversion course qualification) with a minimum classification of Commendation, unless in either case mitigating circumstances apply. For further detail on the meaning of an acceptable law degree and minimum academic entry requirements please refer to the Fair Admissions Policy, accessible via the [entry requirements](#) section on the ICCA website.
3. Applicants who achieved either a 2:2 award in their acceptable law degree or a pass classification in their Graduate Diploma in Law (GDL) or equivalent GDL qualification, but consider that they would, but for mitigating circumstances, have achieved a minimum 2:1 award or minimum Commendation classification respectively, may apply to the ICCA for the exercise of discretion to disapply the minimum degree award or GDL classification requirement in their individual case.
4. An application for mitigating circumstances can only be made for applicants who have already attained their degree award or GDL classification. In all other cases, the ICCA understands circumstances beyond an applicant's control may detrimentally affect their academic progress and therefore have an adverse impact on an application. In such instances, the ICCA expects applicants to have taken appropriate action to ensure the relevant examination bodies have allowed or will allow for such circumstances. For this reason, an applicant who has not yet received their acceptable law degree award or GDL classification may not apply for to the ICCA for the exercise of discretion to disapply the minimum academic requirements.
5. An application for mitigating circumstances can only be made when you apply for the ICCA Bar Course. Speculative applications or any application made outside the usual application process will not be permitted.
6. Should an application for the exercise of discretion due to mitigating circumstances be unsuccessful, the applicant will be considered not to have met the minimum academic requirements for the ICCA Bar Course and their application will not be considered further.
7. By making the application for the exercise of discretion due to mitigating circumstances you agree to the terms and conditions set out within this guidance.

## Criteria

8. The criteria for discretion to be exercised concerning mitigating circumstances are:
  - 1. there is clear evidence that the applicant is academically of upper second-class quality (for students who have taken an acceptable law degree) or of**

**Commendation or Distinction quality (for students who have taken the GDL or equivalent law conversion qualification) overall; and**

- 2. there is clear evidence of a temporary cause which prevented the applicant from fulfilling their full academic potential, which has not already been considered by their course provider in the award of their degree or GDL classification.**

## Making the Application

9. The ICCA Bar Course online application form contains a section for you to set out the mitigating circumstances that apply in your case, together with the facility to upload references and evidence in support. **All references and evidence must be provided by the application closing date and time.**

## Statement of Mitigating Circumstances

10. You are required to give a full account of why, in your view, you failed to achieve either the minimum entry requirement of at least an upper second (2:1) in your acceptable law degree, or at least a Commendation classification in your GDL (or equivalent qualification).
11. Your statement must set out any relevant mitigating circumstances and **must address the application criteria at paragraph 8 above.**
12. If you made a declaration of mitigating circumstances to your awarding institution, you must confirm any action taken by the institution in response to your declaration. If you did not make a declaration of mitigating circumstances to your awarding institution, you are required to confirm the reason(s) for this.

## Academic References and Evidence in Support

13. You must provide:
  1. At least one academic reference, unless this is not possible; and
  2. Evidence in support of your mitigating circumstances.
14. **Your application must be supported by one or more academic references**, unless for good reason this is not possible. You will need to arrange for an academic reference or references yourself (such as from your tutors/lecturers) giving details, from their own knowledge, of circumstances considered relevant to your application. The referee(s) you choose should know your academic work and be able to provide an accurate assessment of your academic potential. Where it is not possible to give an academic reference you should explain why this is in your statement of mitigating circumstances.
15. References must be in each referee's own words. There is no minimum or maximum number of references required. However, all references must relate directly to the purpose of the application. Referees must have first-hand knowledge of the applicant.

16. Your reference or references must be uploaded into your application using the upload facility in the applications system. Academic references should be written on official notepaper from their academic institution and signed by the author.
17. The reference must include:
  - a) your general overall performance as a student
  - b) whether your degree/GDL result accords with the expectations of your tutors, derived from your performance in previous examinations
  - c) whether any deterioration in your performance on the degree/GDL could be attributed to a temporary cause which prevented/impeded you fulfilling your full academic potential; and
  - d) details of the extent to which any mitigating circumstances were taken into account by the awarding institution
18. All references must be received by the closing date for applications. We are unable to consider any references received after this date. It is the responsibility of the applicant to ensure that references are received on time.
19. **Evidence of the mitigating circumstances detailed in your statement must be provided** (e.g. medical reports). This information must be uploaded into your application using the upload facility in the applications system. Please provide as much information to support your application as you are able to provide. If you are unable to provide evidence you should explain why in your statement of mitigating circumstances.
20. Any evidence relied upon must be uploaded by the closing date for applications. We are unable to consider any evidence received after this date. The ICCA is unable to seek evidence in support of your application on your behalf.

## Process, Confidentiality and Disclosure

21. All applications for mitigating circumstances will be considered by the ICCA Vice-Dean. Successful applications will be marked as meeting the minimum academic acceptable law degree or GDL requirements and will be passed on to assessors who will consider the application according to the usual criteria. Assessors will have no knowledge of the details of the mitigating circumstances application.
22. **You agree that the ICCA may contact referees and other providers of the information/evidence submitted by you or on your behalf** for verification purposes. The ICCA may also seek official transcripts of qualifications referred to by you in your application. Further information may be sought from you in consideration of your application.
23. By submitting your application for mitigating circumstances, you undertake that all information, references and evidence submitted by you is true to the best of your, knowledge, information and belief. The ICCA reserves the right to notify an applicant's Inn of Court and/or the Bar Standards Board where an application is suspected to contain false information, including full details of the application, references and evidence provided.

24. The ICCA will ensure all information is managed in a way that is consistent with this guidance, its Academic Regulations and the provisions of the Human Rights Act, the General Data Protection Regulation, the Freedom of Information Act and any other relevant legislation.

## **Complaints and Appeals Procedure**

25. Applicants who are unsuccessful in applying for mitigating circumstances during their application to the ICCA Bar Course, and who wish to appeal the decision, should follow the two-stage appeal process as outlined in the Admissions Appeal Procedure, provided as an annex to the Fair Admissions Policy.
26. Applicants who do not wish to appeal the decision made on their application, but who are dissatisfied with their experience or the service they received during the application process, may make use of the two-stage complaints process outlined in the Admissions Complaints Procedure, provided as an annex to the Fair Admissions Policy. Applicants are recommended to attempt informal resolution of any complaint at the local level before initiating a formal complaint.
27. Please note that time limits apply for admissions appeals and complaints.