



The Inns of
Court College
of Advocacy

Mitigating Circumstances: Guidance for Students

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Defining Mitigating Circumstances

What are mitigating circumstances?

The ICCA considers mitigating circumstances to be: *'Reasonably disruptive or unexpected events beyond the student's control that did have, or might have had, a significant and adverse impact on their academic performance'*.

"Beyond the student's control" means that you could not have reasonably prevented them from happening.

"A significant and adverse impact on their academic performance" means that the circumstances were disruptive enough to impact your ability to effectively undertake your assessment(s).

Students who submit a Mitigating Circumstances Form (MCF) and have this accepted will be granted an **authorised absence** from the relevant assessment(s) and will be able to sit the assessment(s) as a first attempt at a later date.

It is **not** possible to request a deadline extension for an assessment by submitting a Mitigating Circumstances Form.

A student who attends, submits, or participates in any form of assessment will be considered by the ICCA to be 'fit to sit', i.e. they do not believe that they are affected by any mitigating circumstances which would have a significant and adverse impact on their academic performance. Students who attend an in-person invigilated exam will be requested to sign a fit to sit form prior to the assessment. If a student declares themselves 'fit to sit' and subsequently submits an MCF the student will be asked to provide an explanation and evidence as to why they declared themselves fit to sit their assessment(s) under Academic Regulations, 33.2.

Guidance on examples of mitigating circumstances and evidence required to support your claim

The table below provides examples of circumstances that would normally be considered acceptable mitigating circumstances, with information on what evidence would be required in each case. This list of evidence is provided as a guide and is not exhaustive; each MCF will be assessed on its own merits, considering the specific circumstances and the evidence presented in each case.

The ICCA recognises that it can be difficult to disclose sensitive, personal information to other parties. As such, please note that all documentation provided in support of an MCF will be treated sensitively and will remain confidential to Registry, the Mitigating Circumstances Committee and the Examinations Board.

General Guidance	
Circumstance	What evidence is required? Please note that any medical certificate should be from a UK-based medical practitioner or one recognised by UK authorities. It must be date stamped and bear an authentication stamp or be on headed notepaper.
Illness or injury	Confirmation of the illness or injury, the impact the illness or injury would have/has had on the affected assessment(s) and the dates concerned. This should be provided on: ➤ An original medical certificate; or ➤ A letter from ICCA support services who have been actively supporting you; or ➤ A letter from external support services who have been actively supporting you.
Long-standing medical condition or disability	An ICCA Inclusion Plan (IP) that confirms the medical condition or disability and explicitly states that the IP may be used as evidence to support mitigating circumstances. Please note that most IPs will not include this adjustment. If yours does not, you should follow the procedure for illness (as above).
Hospitalisation for illness or injury	Confirmation of the illness or injury, the impact the illness or injury would have/has had on the affected assessment(s) and the dates concerned. This should be provided on: ➤ An original medical certificate/letter from the treating hospital or medical centre.
Family illness or injury	Confirmation of the illness or injury, the impact that this would have/has had on the affected assessment(s) and the dates concerned. This should be provided on: ➤ An original medical certificate/GP letter; or ➤ A letter from ICCA support services who have been actively supporting you; or ➤ A letter from external support services who have been actively supporting you.

Bereavement	A letter confirming the death from an independent person (usually not a family member) with their contact details provided and including a view on the closeness of the relationship to you. A death certificate or order of service are other forms of acceptable evidence and are all that would be required where the closeness of the relationship is evident (e.g., for a close relative - a grand-parent, parent, sibling, or child). Where the closeness of the relationship is less obvious, a certificate/order of service also should be accompanied by a letter from an independent person, as outlined above.
Acute personal difficulties	Confirmation of the circumstances, the impact that these would have/have had on the affected assessment(s) and the dates concerned. This should be provided on: ➤ An original medical certificate/GP letter; or ➤ A letter from an independent authority (e.g., social worker, counsellor, witness); or ➤ A letter from ICCA support services who have been actively supporting you; or ➤ A letter from external support services who have been actively supporting you.
Pregnancy-related illness	The requirements for illness, hospitalisation etc. should be followed if there is a specific incident or set of circumstances during pregnancy.
Victim of crime	Police report (including a crime reference number). If the incident has resulted in your seeking medical attention, then the requirements for illness should be followed.
Domestic disruption such as neighbour disputes, household flooding or damage; burglary etc.	Confirmation of the circumstances, the impact that these would have/have had on the affected assessment(s) and the dates concerned. This should be provided on: ➤ A letter from an independent authority (e.g., social worker, counsellor, witness); or ➤ A police report (including a crime reference number); or ➤ A letter from ICCA support services who have been actively supporting you; or ➤ A letter from external support services who have been actively supporting you.
Representing the ICCA or your country at a significant/prestigious event	A letter of confirmation from the relevant organising body and a supporting statement from the student and/or member of staff explaining why the event should be considered as significant/prestigious. Student athletes with an international commitment (such as an international training camp or world-standard competition) should supply third-party evidence of the commitment.

Jury Service (UK)	A letter from the Court.
Court Attendance (UK)	If you are required to attend a tribunal or court as a witness, defendant (not for 'Criminal Conviction') or claimant, please provide a solicitor's letter including the dates of the legal proceedings and the requirement for you to attend.
Road Traffic Incident	If you have been involved in a road traffic incident, either as a passenger or as the driver, evidence must be provided detailing the time and place that the incident occurred including: A police report (including a crime reference number); or insurance reference number/record of the event.

Circumstances that would not meet the definition of mitigating circumstances

The table below illustrates the kind of circumstances that are unlikely to meet the ICCA's definition of mitigating circumstances. However, the ICCA will consider each case individually and on its own merits.

Circumstance	
Transport issues	It is your responsibility to arrive at the assessment on time, irrespective of the form of transport used or relied upon. Exceptions to this might be industrial action or other significant disruption that is beyond your control. Evidence of any significant disruption would be required. You should aim to arrive at any exam venue with plenty of time to spare and not leave it until the last 15 minutes before the start of the assessment.
Holidays	All holidays and vacations should take place at a time that will not impact on your availability to study or undertake or prepare for an assessment(s). Assessment dates are published well in advance and should allow for careful planning for travel.
Misreading the examination timetable	It is your responsibility to ensure that you have an accurate understanding of the location, time and duration of all formal assessments. This includes any individual times for face-to-face assessments with a short duration.
Paid employment or voluntary work	It is your responsibility to manage other commitments so that they do not adversely interfere with your studies. If you are experiencing acute personal difficulties which have led to you needing to undertake unexpected levels of paid work, then these may meet the definition of mitigating circumstances. Please refer to the evidence required for this category in the table above.

IT and/or computer failure	It is your responsibility to ensure that all work which is electronically stored, generated and/or submitted is sufficiently backed up and the correct piece of work is submitted. Failure to comply with system checks or pre-assessment downloads will normally not be considered as a mitigating circumstance.
Foreseeable/preventable circumstances	Where the circumstances are within your control.
Scheduling of assessments/deadline	Deadlines or exams being close together.
Not disclosing circumstances	The ICCA can only consider circumstances if they are disclosed in accordance with the regulations. If you had good reason, which can be documented, for not disclosing your circumstances you should speak to your personal tutor.

What is the difference between mitigating circumstances and a PAA?

Personalised Assessment Arrangements (PAA) are put in place prior to exams by the Registry Team. The purpose of a PAA is to provide equal opportunity in assessments to students with a disability, long term health condition, or similar.

A PAA provides assessment adjustments for 'foreseen circumstances' for students who require them. Mitigating circumstances are **unexpected events** beyond the students' control that impact their ability to take their assessment(s) and cannot be accommodated for other than for the student to sit the assessment at a later date.

What is the difference between mitigating circumstances and an academic appeal?

Mitigating Circumstances and Academic Appeals differ in purpose and in the timeline for when they can be submitted.

Mitigating Circumstances are how you formally notify the ICCA of disruptive or unexpected events that may have negatively impacted your performance in an assessment. In line with the Academic Regulations and this guidance, they are submitted either before the assessment, or shortly afterwards.

Conversely, an Academic Appeal may only be submitted after publication of results. You can appeal an assessment result on limited grounds, which are outlined in the Bar Course Handbook and section 36.18 of the [Academic Regulations](#). There is no appeal against academic judgement; you cannot appeal solely because you believe the marker 'got it wrong'.

Neither process can result in your marks for an assessment being increased or uplifted.

Applying for Mitigating Circumstances

When to apply for mitigating circumstances

Students should apply for mitigating circumstances as soon as possible. During Part One of the course, students are invited to register for BSB assessments around 2 months before the assessments. Students who have registered can withdraw from one or both BSB assessments by emailing exams@icca.ac.uk. Once your registration has been finalised with the BSB (around 5 weeks before the assessments) you will need to apply for mitigating circumstances if you find that you cannot sit your assessment(s).

Students on Part Two of the course do not pre-register for assessments and are expected to sit their assessments unless they are unable to do so.

An MCF can be submitted at any point in the lead up to an assessment and must be submitted no later than 14 days after the assessment date or submission deadline. In any event, an MCF must be submitted before the release of results.

14 days is defined as 14 calendar days, including weekends, and excludes Bank Holidays (England/Wales) and ICCA closure days.

Students are required to provide supporting documentary evidence (see pages 3 to 5) alongside their MCF. This can be submitted with your completed MCF or, if you do not yet have the required evidence, submitted via email to students@icca.ac.uk within 21 calendar days of the assessment date or submission deadline (including weekends, excluding Bank Holidays and ICCA closure days).

If you are submitting an MCF for multiple assessments, the deadlines for submitting your MCF and documentation will be applicable for each assessment. Therefore, you will need to submit your MCF within 14 days of the first assessment affected.

How to apply for mitigating circumstances

To apply for mitigating circumstances, students must complete and submit a [Mitigating Circumstances Form](#) prior to or within 14 days of the affected assessment(s) or submission deadline. Supporting documentation must be provided within 21 days of the affected assessment(s) or submission deadline.

Students will be asked to describe the circumstances that prevented them from undertaking their assessment(s) and to upload supporting evidence. If you do not have your evidence (e.g. you are waiting for a doctor's note) you should still submit the MCF within 14 days and submit your documentation within 21 days of the assessment(s) or submission deadline by emailing students@icca.ac.uk.

Students who submit an MCF for an assessment which they attended, or for which they submitted work, will also be asked to provide reasons as to:

- a) Why they did not follow the mitigating circumstances procedure prior to the assessment or to submitting work; and
- b) (For assessments requiring attendance) why they signed the 'fit to sit' form.

What evidence do I need to provide?

Students are required to provide evidence that supports their MCF, details of which can be found in the table provided.

Ordinarily, evidence required must be:

- Documentary: it must be in writing.
- From an independent third party: you cannot self-certify or produce your own documents.
- Supportive of your claim: it needs to include enough details that it can provide evidence of the circumstances you are submitting.
- Verified: it must be signed by the person who created the document, dated and, where appropriate, presented on official headed paper.
- Written in English or accompanied by a translation in English with a confirmation of the source of the translation.

If you do not have the supporting evidence required, you must still submit your MCF within 14 days. You have up to 21 days from the date of the affected assessment to submit the evidence, but this is only applicable if your MCF was submitted within the 14-day deadline.

21 days is defined as 21 calendar days, which includes weekends. Bank Holidays (England/Wales) and ICCA closure days are excluded from these 21 days.

If I am concerned that my MCF will not be accepted, is it better to sit the assessment and see how it goes?

The Mitigating Circumstances Committee considers all MCFs using the same information that is provided to students about acceptable mitigating circumstances and the necessary evidence. You are advised to read the guidance carefully before completing and submitting an MCF. If you have submitted an MCF which has been accepted, then you cannot sit the relevant assessment(s) without withdrawing your MCF.

Students are strongly advised **not** to risk completing an assessment of any type if they are experiencing difficulties that would have an adverse impact on their academic performance and meet the definition of mitigating circumstances. In such situations, by submitting an MCF you are complying with the ICCA's regulations and are making a conscious decision to be assessed at a time when your circumstances have improved.

What happens if I am taken ill during an assessment and am unable to complete it?

In this instance you should report your illness to an invigilator in the examination hall who will complete and sign an 'incident report form'. You should then submit an MCF within 14 days of the assessment, which will be cross-referenced with the invigilator report. You may also be required to obtain and submit a medical certificate as soon as is reasonably possible, and in all cases within 21 days of the date of the assessment.

What happens if I have completed an assessment but in hindsight feel that I shouldn't have done so?

A student who declares themselves 'fit to sit' and subsequently submits an MCF may, at the discretion of the Examinations Board, be retrospectively granted an authorised absence from that assessment. In such cases, students should submit an MCF within 14 days of the date of the assessment or submission deadline.

Students who have declared themselves 'fit to sit' and attempted the assessment will be asked to provide reasoning as to why they did not follow the normal mitigating circumstances procedure before presenting themselves for an examination or submitting work.

Students cannot submit an MCF after receiving their results. At no point will marks be altered in any way once results have been confirmed.

What happens to my Designated Pathway place if my Mitigating Circumstances form is submitted and approved?

The minimum progression requirements to enable a student to progress from Part One to Part Two of the ICCA Bar Course is the successful completion of all Part One assessments at the first, second or third sit. This means that there are occasions where submitting a MCF and subsequent approval of this will mean that you are no longer eligible to start Part Two at your planned start date, as you are "stepping off" your designated pathway. In these circumstances you will be placed on the next available Part 2 date after you complete Part 1. Please note that the next available start date may not be the next sequential start date. If you have any concerns around this, it is advised that you book a meeting with the Registry Team, and we will discuss your needs with you at this time.

While your designated pathway position may factor into your decision, the ICCA strongly advises that students prioritise their wellbeing. You should only sit an assessment if you are well enough to do so. If your health or external circumstances beyond your control are likely to significantly impact your academic performance, it is in your best interest not to proceed with the assessment at that time.

After an MCF has been submitted

Who sees my MCF and evidence?

All information provided within and supporting an MCF will be treated sensitively and remain confidential to Registry, the Mitigating Circumstances Committee, and other relevant staff members only where required in exceptional circumstances.

If you disclose any information which we believe indicates a serious risk to your wellbeing, or the health and safety of others, the ICCA has a duty of care to respond to this. In such cases an MCF will be shared confidentially with the Director of Education to provide the appropriate safeguarding measures.

Should I inform anyone I have submitted an MCF?

Depending on the nature of your circumstances we strongly advise that you seek additional help from the Registry team to support you, particularly if your circumstances are ongoing. You may also wish to contact your personal tutor for further support.

Receiving a response

Your MCF and supporting evidence will be reviewed in the first instance by the Mitigating Circumstances Committee who will decide whether to recommend to the ICCA Examinations Board that your MCF should be accepted.

You will be notified, via your ICCA email address, of the Committee's decision, normally on the date of publication of assessment results. The Committee may provisionally accept your MCF, subject to the receipt of satisfactory evidence.

What happens if I have submitted an MCF in advance but then decide to sit the assessment or submit work?

If you have already submitted an MCF but decide to sit your assessment(s) then your MCF will be voided. This is because the ICCA operates on a fit to sit policy that understands that **a student who attends or participates in any form of assessment shall be considered by the ICCA in a position to do so.**

If you are unsure as to whether you can undertake an assessment and feel that you might have mitigating circumstances you are strongly encouraged to speak to a professional, such as a doctor or counsellor, to help you assess the impact your circumstances are having on you. You can also discuss the matter with your personal tutor.

The outcome of an MCF

Who makes the final decision?

In reaching a decision as to whether to accept an MCF, the Mitigating Circumstances Committee will consider the authenticity of the evidence submitted and whether the mitigating circumstances would:

- a) Prevent or have prevented you from sitting the assessment or submitting the assessment within the given timeframe; or
- b) Have or had a significant and adverse impact on your performance in the assessment.

Upon receiving the Mitigating Circumstances Committee's recommendation, the Examinations Board will make a final decision on whether or not an authorised assessment in the impacted assessment(s) can be granted.

Will my marks be increased due to my mitigating circumstances?

There is no discretion on the part of the Examinations Board to alter marks or otherwise intervene in the academic process. If your Mitigating Circumstances are accepted, then you will be granted an authorised absence and given a further opportunity to sit the assessment at a later date which will be sat and marked as a first attempt (or, as a fresh opportunity at a resit in the event of a second or third attempt).

Can I appeal against the final decision?

You are permitted to appeal the Examinations Boards's decision regarding your Mitigating Circumstances only after your module results are published. In order to appeal a decision of the Examinations Board, you must submit a [Stage Two Academic Appeal](#). Please read section 36.29 of the [Academic Regulations](#) associated with the Stage Two Academic Appeal carefully before submitting an appeal.