office of the independent adjudicator

'for students in higher education'

The Good Practice Framework:

Requests for additional consideration

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Introduction

1. The Good Practice Framework: Handling complaints and academic appeals sets out core principles and operational good practice for higher education providers in England and Wales. The core principles are **accessibility; clarity; proportionality; timeliness; fairness; independence; confidentiality;** and **improving the student experience**. These principles also apply to this section of the Good Practice Framework, on requests for additional consideration.

2. Students are sometimes taken ill before or during an exam or assessment deadline, or their performance is affected by other unexpected events that are beyond their control. Students are generally able to ask their higher education provider to take these circumstances into account. Most providers in England and Wales have a formal process for this, often called the "mitigating", "extenuating" or "special circumstances" procedures, or "factors affecting performance".

3. In this section of the Good Practice Framework, we use the term "requests for additional consideration". We have chosen this term because we think it is easier to understand than others that are in common use. We encourage providers to use this term in their own procedures.

4. It is of course crucial that a provider's approach to requests for additional consideration does not compromise academic standards. The aim should be to give students a fair opportunity to show that they can reach those standards, not to lower them. It is also reasonable to expect students in general to be able to cope with normal life events, to manage their workloads properly, and to expect a level of pressure around assessments.

5. This section of the Good Practice Framework is built on existing good practice identified by providers, student representative bodies (including students' unions), complainants and the OIA. In March 2019, we held a forum to encourage conversation about how providers approach students' requests for additional consideration, involving providers and student representative bodies. We published a discussion paper setting out some insights from that forum, from the many cases we have seen, and from other discussions we have had with sector bodies in November 2019. In January, February and March 2020, we held a series of online discussions with providers and student representative bodies looking at themes covered by the discussion paper. The feedback gained has been invaluable in informing this guidance.

6. This section of the Good Practice Framework should be read together with the other sections, particularly those on Handling complaints and academic appeals and Supporting disabled students. Documents referred to in this Section and other useful resources are listed at the end of the Section.

What are requests for additional consideration?

7. A student might ask for additional consideration for something that has affected their performance in an exam, assessment or project, or on a practical placement, or their engagement with the course more generally. This might be an illness or accident, a bereavement, or something else that has affected their ability to study or to prepare for, or complete, the assessment or exam. Usually the event or circumstance will be unexpected and beyond the student's control. Sometimes a group of students will be affected by disruption to an exam, or a problem with the assessment itself. There may also be circumstances that affect students more generally across the provider, or even more widely, such as outbreaks of epidemic disease.

8. Additional consideration processes are normally designed to deal with acute, but shorter-term circumstances that impact on a student's performance or ability to study. If a student's circumstances have had (or are likely to have) a longer-term impact, then the additional consideration process may not be appropriate. It may be necessary to consider additional actions to support their learning, for example referring them to the provider's disability support staff or allowing them to take some time away from their studies until they are able to resume. Annex 1 contains guidance on support for study processes.

9. It is up to providers to decide what kinds of circumstances they will typically accept under their additional consideration processes, and what kinds of circumstances they will typically exclude. It is good practice for providers to give some examples in their procedures, as illustrated in the following table.

Examples of circumstances likely to be accepted	Examples of circumstances likely to be excluded
• Serious short-term illness or injury • Worsening of an ongoing illness or disability, including mental health conditions • Symptoms of an infectious disease that could be harmful if passed on to others • Death or significant illness of a close family member or friend • Unexpected caring responsibilities for a family member or dependant • Significant personal or family crises leading to acute stress • Witnessing or experiencing a traumatic incident • A crime which has had a substantial impact on the student • Accommodation crisis such as eviction or the home becoming uninhabitable • An emergency or crisis that prevents the student from attending an exam or accessing an online assessment • A technical problem that prevents the student from accessing online teaching or assessment • Safeguarding concerns	• Holidays, house moves or other events that were planned or could reasonably have been expected • Minor illness such as common colds or hay fever, unless the symptoms are particularly severe • Assessments that are scheduled close together • Misreading the exam timetable • Poor time management • Minor transport disruption • Computer or printer failure where the student should have backed-up their work • Normal exam stress • Minor life events, unless the circumstances have had a disproportionate impact

10. Students may also be able to use the additional consideration process where their assessments are impacted by undertaking public duties (such as jury service) or by competing in national or international sporting events or other similarly high-profile activities. It is good practice for providers to give examples of what might be accepted on these grounds.

11. Although it is good practice for providers to give examples of things that may or may not be acceptable under their additional consideration processes, providers should look carefully at anything that is likely to have affected the student's performance. Some problems, for example financial hardship or caring responsibilities that existed before the student started their studies, may not generally be acceptable reasons for giving a student additional consideration. But for some students, in some circumstances, it may be fair to take those difficulties into account when looking at the student's performance, non-attendance or late submission. For example, it might be fair to take into account a student's unexpected financial crisis (beyond budgeting difficulties) if the crisis got in the way of their studies, or to take into account caring responsibilities if those responsibilities changed during the student's studies or had a bigger impact than the student was anticipating.

CASE STUDY 1: Considering requests on their individual facts

A student's studies were being funded by a family member, giving the student enough money to cover their tuition fees and living expenses. Shortly before the start of the student's exams, the family member suddenly withdrew funding because their business had gone into administration and they no longer had the funds available. This meant that the student couldn't pay their rent and had little money for food, causing them significant distress.

The provider's additional consideration process normally excludes financial difficulties, on the basis that students should ensure they can fund their studies and budget appropriately. However, it accepted the student's request for additional consideration in this instance because they had experienced a sudden and unexpected financial crisis which affected their ability to prepare for their exams.

12. Unless a student experiences particularly acute symptoms, it is normally reasonable for providers to exclude minor illnesses (such as common colds and short-lived stomach upsets) from additional consideration processes for coursework. Providers can reasonably expect students to plan their work and manage their time appropriately to be able to cope with minor, short-term illness.

13. Similarly, providers may generally exclude minor illnesses from additional consideration processes for exams. But additional consideration would be needed if the student's illness prevented them from going to an exam or meant that they had to leave early, or if the student missed an exam because they were suffering from minor symptoms of an infectious disease that could be harmful if passed on to others.

14. There may be some circumstances that affect a group of students. These might include disruption to an exam venue due to a fire alarm, disruption in or outside the exam room, or problems with an exam question paper. Normally, providers should consider the impact of these types of circumstances without requiring each student to request additional consideration. The provider should explain to the students concerned what it is doing about the disruption. Providers should, however, allow individual students to submit requests for additional consideration if the impact on them has been particularly severe.

15. Some providers may have separate processes for considering requests for extensions to coursework deadlines, requests for additional consideration relating to circumstances that affected a large group of students, or concerns about a student's attendance. The principles of this section should apply to those separate processes.

Circumstances that affect most or all students at a provider

16. Occasionally, there may be circumstances that have a wider impact and that affect most or all students at a provider. For instance, students' studies may be impacted by staff taking industrial action or by public health emergencies such as outbreaks of epidemic disease. Providers should normally take steps outside of their additional consideration processes to mitigate the disruption caused. In doing so, providers should think about the needs of individual students as well as students more generally. Such steps might include adjusting how teaching is delivered and when, changing assessment methods from exam to coursework or to online testing, only examining students on material that has been taught or delaying assessments until later in the year. It might also include taking the circumstances into account when making decisions about a student's progression or degree classification, provided that can be done in a way that protects academic standards. Providers should communicate clearly and frequently with students and staff about the arrangements being considered, including expected timeframes for when they might be put in place.

17. There may be some students who benefit less than others from the arrangements made. For instance, a student who uses a scribe for exams may not have access to equivalent support if exams are replaced by online tests sat remotely. Delaying assessments until later in the year may impact students who have a deteriorating health condition. Some students may not have access to reliable fast broadband to benefit from online teaching and assessment; some may have additional caring responsibilities that take time away from their studies. Consequently, some students may need to use the additional consideration process when the impact of the disruption on them is particularly severe and is not mitigated adequately by the steps taken by the provider.

Good additional consideration processes

Procedural fairness

18. Students who need additional consideration may be at their lowest point. They may be very anxious, as well as distressed or unwell. They may find it difficult to talk about or to prove what has happened to them. The situation may be particularly sensitive for some reason, perhaps to do with the student's religion or culture. The starting point for any additional consideration process should therefore be that a student who is ill, or injured, or bereaved, or who has been through a difficult experience will be treated compassionately, and in a way that is fair and consistent across the student body.

19. A fair additional consideration process:

- Is easy to find, understand and follow;
- Is well-advertised, with students being reminded of the process at key points during their studies;
- Tells students where they can find advice and support;
- Sets out expectations clearly so that students understand what circumstances are likely to be considered and what sort of evidence they may need to provide;
- Is flexible and considers each case on its individual facts;
- Explains what is likely to happen if the request is accepted – and what will happen if it is not;
- Tells students how their case will be considered and how long it will normally take;
- Ends with a written decision, including reasons, being sent to the student;
- Includes a process for ensuring that decisions are consistent across the provider;
- Includes a process for identifying students who have asked for additional consideration several times and who may need extra support or advice;
- Includes an appeal route;
- Includes an internal reporting process that allows the provider to identify trends.

Communicating the process to students

20. Additional consideration processes, including deadlines for submission and what supporting evidence might be needed, should be communicated clearly and should be fully accessible to all students. The procedures, forms and any accompanying guidance should be written in straightforward language and be available in a variety of formats. Providers should remind students of the process at key points during the academic year (for instance at the start of each term or semester and before the start of exams) and should signpost students to sources of advice and support such as their personal tutor, wellbeing, disability or counselling services and the student representative body's advice centre. The process should be well-understood by staff involved in supporting or teaching students.

21. Deadlines for making requests for additional consideration should allow enough time for students to seek advice and, where necessary, to obtain supporting evidence. In some cases, providers may need to allow students to submit their request with supporting evidence to follow, if the student is struggling to obtain evidence by the deadline.

22. It should be up to the student to decide whether to ask for additional consideration and what information to include in their request. But support should be available to students if they need help in making their request, for instance from their personal tutor, support services or the student representative body's advice centre. The student should not need permission or approval from their personal tutor (or other member of staff) for their request to be considered.

23. The procedures and any accompanying guidance should give clear information about the potential outcomes of requests for additional consideration, including the route of appeal. If a student's expectations appear to go beyond what the provider would normally do, this should be explained to the student to manage their expectations about possible outcomes.

CASE STUDY 2: Managing student expectations

A student makes a request for additional consideration asking for their mark for an exam to be raised because they were feeling ill on the day. The provider explains to the student that its processes do not allow for marks to be raised in this way and that, if the request is accepted, the likely outcome will be that they are allowed to sit the exam again as if for the first time.

24. For some courses it is a requirement that students sit certain assessments together. This might be because the student needs to demonstrate a level of competence in several different aspects of their studies at once, for instance on a professionally qualifying degree. Consequently, a student may have to re-sit several assessments even though they have failed or missed only one. It is important that providers make this requirement clear to students so that they understand the implications of re-sitting modules or assessments.

25. The procedures and any accompanying guidance should explain that providers may check evidence submitted in support of additional consideration requests to ensure it is genuine. The procedures and guidance should also explain what action will be taken if a student is suspected of submitting a fraudulent request. This would usually mean referring the case for consideration under the provider's disciplinary procedures. We have published good practice guidance on disciplinary procedures.

Considering requests

26. Providers may choose to consider requests for additional consideration locally at school, department or faculty level, or centrally, or a mixture of both depending on the nature of the request and whether it relates to coursework or exams. Whatever the approach, there should be mechanisms in place to ensure consistency of decision-making across the provider, particularly where requests are considered locally. This might include: providing training and guidance to all staff involved in considering requests, ensuring they have access to anonymised previous decisions so that they can check they are being consistent, involving staff from other schools, departments or faculties in confirming

or quality checking decisions, reporting decisions to a central body or exam board that has oversight of the process, and monitoring outcomes to ensure that students are treated fairly.

27. Providers may decide whether requests for additional consideration should be considered by individual members of staff or by a panel. The member of staff or panel may decide whether to accept the student's request and if so, what the academic outcome should be. Or they may decide only whether the request should be accepted or declined, leaving the decision about the academic outcome to an exam board.

28. Deciding whether a student has presented a good case for additional consideration does not normally involve academic judgment. It is a judgment about whether something has happened to the student, and what impact it is likely to have had on their ability to study, or to prepare for or perform well in an assessment or exam. That means that an initial decision about whether a student's request for additional consideration should be accepted or declined – and decisions that might be straightforward such as deferring an assessment that a student has missed or allowing a short coursework extension – may not require the involvement of academic staff. Other decisions may require an element of academic judgment to consider the extent to which a student's performance has actually been affected by the circumstances, whether their marks are out of line with their normal performance, whether alternative assessments might be appropriate, or how likely it is that the student would be able to complete their course. Providers should bear these factors in mind when designing their processes.

29. The procedures and any accompanying guidance should set out how requests for additional consideration will be considered, for instance by a panel or by an individual member of staff.

30. The person or people who look at a student's request for additional consideration should be suitably trained and should have a good understanding of the provider's processes, including the regulations that apply to the student's degree programme. They should normally have had no significant prior involvement with the student that might influence their decision. Providers should look at ways to prevent potential bias in considering requests, for instance using the student's student number rather than their name.

31. Requests for additional consideration should be considered quickly and indicative timescales should be set out in the procedures. Different timescales may apply depending on whether the request is time-sensitive (for instance, a request to extend an imminent coursework deadline or to defer an upcoming exam), or whether the student is asking for the impact of their circumstances on their academic performance to be considered – in which case, the request may need to go to an exam board later in the year.

32. Time-sensitive decisions should be made as soon as possible, and normally within 14 days of the request being made. For requests that have to go to an exam board, the provider should explain this to the student and indicate when a decision is likely to be taken. The provider should tell the student if it is likely to take longer than the timescale(s) set out in the procedures. The process should allow for cases to be identified that require particularly swift action.

33. Where providers deliver learning opportunities with others, the responsibility for considering requests for additional consideration may be split between the awarding and delivery provider(s). This should be set out in the agreement between the providers. The awarding provider should work with its delivery provider(s) to ensure a consistent approach when considering requests. (See Delivering learning opportunities with others, below).

Late requests

34. Providers should set clear deadlines for students to ask for additional consideration, which should allow enough time for students to seek advice and to obtain supporting evidence where necessary. It is normally reasonable to expect students to make their request by the deadline, or to ask for an extension before the deadline if they need more time.

35. Sometimes a student may have a good reason for missing the deadline. Where this is the case, the provider should consider the request for additional consideration. It is up to providers whether to do so through their additional consideration process or their academic appeals procedure. The process should be set out clearly in the relevant procedures. The procedures should also explain that, if a request is made very late, the provider may be limited in terms of the actions it can take. For instance, it may be too late for the student's exams to be deferred to the re-sit period, and this might delay their studies.

36. It is good practice to give examples in the procedures of what would normally be a good reason for making a late request for additional consideration. Examples might include the student being hospitalised or being unable to engage with the process due to ill health (including mental ill health) or being so distressed as a result of what happened to them that they didn't think about additional consideration until too late. There may also be occasions where the student's circumstances are so serious and exceptional that it would be reasonable for the provider to consider their request for additional consideration regardless of the reasons for the late submission.

37. Not knowing about the process, or not realising that their performance had been affected until after seeing their results, would not normally count as good reasons for asking for additional consideration late. But providers should consider each case on its individual facts.

38. As long as the additional consideration process and associated deadlines are communicated clearly to students, it will normally be reasonable for providers to reject late requests unless the student gives a good reason for the delay. If the provider rejects the request because it is late, it is not normally necessary for the provider to go on to consider the student's circumstances. The provider should, however, explain to the student why their request has not been accepted for consideration.

CASE STUDY 3: Accepting a late request

The deadline for students to ask for additional consideration for their January exams was 1 February. A student made a request on 7 February. The student explained that their uncle had died suddenly during the exam period and that their mother had to travel abroad as a result, leaving the student in charge of their siblings. The student said that, although they were aware of the additional consideration process, they were very distressed by the bereavement and the effects it had on their mother, and so distracted by their sudden and unexpected caring responsibilities, that they didn't think about making a request for additional consideration until too late. The provider decided that the student had a good reason for missing the deadline and so accepted their request for additional consideration.

CASE STUDY 4: Rejecting a late request

The deadline for students to ask for additional consideration for their Summer Term exams was 1 June. A student submitted a request on 15 July, after discovering they had failed two of those exams. The student, whose request related to shoulder pain, said that they were unaware how seriously they had been affected until they saw their results, and that they couldn't have made a request earlier because they hadn't been told about the process to follow.

The provider considers late requests for additional consideration under its academic appeals procedure. The provider noted that details of the additional consideration process were included in the student handbook, on its website and on its e-learning platform, and that the student's exam timetable included a link to the process. The student was aware of their symptoms during the exams.

The provider decided that the student did not have a good reason for missing the deadline and so dismissed the appeal without considering the impact of the student's circumstances on their performance.

Record keeping

39. Providers should keep accurate and proportionate records of additional consideration requests and outcomes. A written record should be kept of any meeting held to decide the case, setting out who attended, a brief outline of the proceedings and the reasons for the decisions taken, including the outcome for the student.

Confidentiality and data protection

40. Providers should be aware of their obligations under data protection legislation regarding sensitive personal information or "special category data". This includes explaining to students how the provider will store and use information about them, and for what purpose. It is good practice to highlight that decision-makers may need to take into account any previous additional consideration requests from a student when considering any subsequent requests.

41. Information about additional consideration requests should be kept confidential as far as possible. Many requests will include sensitive information about the student's health or personal circumstances, or the health or personal circumstances of others close to them. Information relating to additional consideration requests should be disclosed to as few people as possible, and only to those involved in considering requests and subsequent appeals. Providers should store information securely and in line with their data retention policies.

42. When designing systems and processes for handling additional consideration requests, it is good practice for staff to consult the provider's Data Protection Officer to make sure that those systems and processes comply with data protection legislation. It is also good practice for staff involved in considering or storing information about requests for additional consideration to receive general guidance from the Data Protection Officer. As well as personal information about themselves, students may include sensitive information about other people who have no relationship with the provider. It may, for instance, be appropriate for a provider to record that it has seen evidence about other people in support of a student's request for additional consideration, but not to keep that evidence in its records for longer than is needed to consider any subsequent appeal (and, where a student appeals, for them to bring a complaint to us).

Evidence and self-certification

Evidential requirements

43. A student's statement about what has happened to them is itself evidence. It is up to providers to decide what, if any, other evidence they ask students to provide to support their requests for additional consideration, or to explain why a request is being made after the deadline. Some requests may not require supporting evidence, for instance if a student is asking for a short coursework extension or is self-certifying absence from an exam (see the section on self-certification below).

44. Where supporting evidence is required, this should be proportionate to the seriousness of the student's situation. In some cases, it may be reasonable for a provider to ask the student for more detailed evidence if they are asking for a significant allowance (such as to repeat the year or to have their circumstances taken into account when deciding their degree result), than if they are asking for a more straightforward outcome such as to defer a first sit exam.

45. It is good practice for providers to give examples of the types of evidence, if any, they will normally require in support of requests for additional consideration, including guidance about evidence relating to other people. Such evidence could include: a doctor's letter or fit note, a statement from a counsellor, a hospital appointment letter, a crime reference number, an eviction notice – or other, usually independent, evidence that supports the student's account.

46. Providers should consider each case on its individual facts, and the process should be flexible enough to allow for different evidence if the student is finding it difficult to get the supporting evidence normally required. Providers should be prepared, for instance, to accept evidence from sources such as: domestic violence services, the Improving Access to Psychological Therapies (IAPT) programme, or from internal sources of support such as mental health advisers, disability advisers and personal tutors, as well as evidence from a GP. In some cases, it may be impossible for a student to get independent evidence of their circumstances. In such cases, a statement made by the student shortly after the event may be enough for the provider to accept their request. A student who is grappling with serious circumstances that are very likely to have had an impact on their performance should normally be given the benefit of the doubt.

CASE STUDY 5: Giving the student the benefit of the doubt

A student was in an abusive relationship with their partner and decided to leave their partner shortly before their exams. The student had seen their GP in the past for stress-related issues but had not seen their GP recently, and they had not contacted other support services. The student could not provide independent evidence of what had happened to them in the weeks before the exams, to support their request for additional consideration. Instead, the student provided a statement explaining the difficulties they had experienced.

The provider accepted the student's request for additional consideration and deferred their exams to the re-sit period. The provider also referred the student to its counselling service and signposted them to a domestic violence support charity.

47. Where the student's request relates to the illness or other circumstances of someone close to them, providers may ask for evidence which focuses on the impact on the student rather than evidence of the circumstances themselves. But there are some circumstances where it would be reasonable for the provider to accept that there has been an impact on the student, without needing the student to provide separate evidence showing the impact. For instance, if a student provides evidence to show that one of their parents was taken seriously ill just before their exams, it should not normally be necessary to ask the student for evidence to show that their parent's serious ill health had an impact on them. Where the student's relationship to the other person is less clear, it may be reasonable for the provider to ask the student to provide more information or additional evidence.

48. Deadlines for making additional consideration requests should allow enough time for students to obtain supporting evidence (where evidence is needed), including time for evidence to be translated if it is in a foreign language – or should allow students to make requests with evidence to follow. Students may not be able to afford to use professional certified translation services so if evidence needs to be translated, providers should be willing to explore alternatives to certified translations.

Self-certification and medical evidence

49. Current pressures on the NHS mean that it can be difficult for people to get a GP appointment quickly, even where there is a dedicated local medical centre. Sudden but minor illnesses, such as a stomach bug or migraine, do not normally require medical attention and many GPs will not issue medical certificates for conditions that last fewer than seven days. The cost of obtaining a medical certificate, which varies considerably from one GP practice to another, can also be a barrier for some students. Generally, providers should not be expecting students to see their GP or other healthcare provider unless they have (or suspect they might have) a health condition that requires medical treatment.

50. It is good practice for a provider's processes to allow for students who have had a short illness that had a significant impact on their exams or assessments, but that did not require medical intervention, to request additional consideration without needing to obtain supporting medical evidence. For example, the student might be allowed to self-certify their illness. Self-certification is in-line with arrangements in most workplaces, where employees are generally allowed to report their own absences and to self-certify short periods of illness. It might also be used for non-health related circumstances.

51. A process that allows self-certification needs to operate fairly and to minimise the risk that it is misused. This might mean:

- Placing a limit on the number of assessments (or days) for which self-certification will normally be allowed, after which the student is required to provide supporting evidence;
- Explaining clearly what the implications of self-certifying absence from exams or assessments would be. The student would still have to meet the required learning outcomes and normally, the exam or assessment would be deferred to a later date (which may impact on the student's progression or course completion date);

- Only allowing self-certification if the student is asking to defer an exam or assessment they have missed, or when they have been taken ill during an exam. In those cases, there might be a requirement that the student reports their illness at the time, for example by phoning or emailing a designated person or office on the day or telling the invigilator if they are taken ill, so that there is a record of it;
- Not allowing self-certification if the student completes the exam or assessment, so that students don't self-certify because they think they have performed badly but where this is not linked to ill health or other circumstances;
- Not allowing self-certification if the student would need to repeat a year, or is asking for additional consideration in relation to their degree result;
- Only allowing self-certified requests for certain types of assessment;
- Intervening where a student has made repeated self-certified requests, for instance asking them to meet with their tutor or support services to discuss their circumstances before any further requests will be accepted;
- Providing clear information about what will happen if the student is suspected of misusing the self-certification process;
- Monitoring requests to identify if there are internal cultural issues that need to be tackled, for instance students using the system to spread-out difficult assessments.

CASE STUDY 6: Limiting the number of self-certified requests for additional consideration

A provider's additional consideration process allows students to self-certify for up to two assessments in any one year. A student missed one exam in the Autumn term and one exam in the Spring term due to short-term ill health and submitted self-certified requests for additional consideration asking to defer the exams to the re-sit period. The provider accepted the requests.

During the Summer term, the student submitted a self-certified request asking for an extension to a coursework submission deadline. The provider explained to the student that, because they had already self-certified for two assessments in the Autumn and Spring terms, they would need to provide evidence in support of their request for an extension to their Summer term coursework deadline. The provider also asked the student to meet with their personal tutor to discuss their circumstances. The student was unable to provide evidence in support of their extension request and so the provider did not allow their request for additional consideration for the Summer term. But the student's personal tutor identified that they would benefit from more study skills support and so referred them to the provider's study support team.

52. Where medical evidence is required to support a health-related request for additional consideration, it is good practice for providers to consider having a template form that students can take to their GP or healthcare provider (or that the GP or healthcare provider can download from the provider's website). This is so that the GP or healthcare provider is prompted to give the information the provider will need to reach a decision on the student's case.

53. For health-related additional consideration requests, the provider should focus on the student's symptoms and the effects they had on their performance, rather than insisting on a confirmed diagnosis. This is because the student's condition may still be under investigation or they may be awaiting referral to a specialist.

54. Where the provider knows that a student has a long-term but fluctuating condition, it should not normally ask the student to provide further medical evidence, each time they experience a flare-up, to support their requests for additional consideration.

Evidence of bereavement

55. Where a student has had a bereavement, it may be insensitive to ask the student for a copy of the deceased person's death certificate. It may be difficult for the student to get a copy, or to get it translated. Where supporting evidence of bereavement is required, providers should normally be prepared to consider evidence from other sources such as an order of service from the person's funeral, an obituary or news report, or a supporting letter from the student's personal tutor, family member or friend.

CASE STUDY 7: Evidence of bereavement

A student's best friend dies in a car accident two days before the start of the student's exams. The student makes a request for additional consideration but explains that they will not be able to provide a copy of their friend's death certificate because these are not issued immediately in their friend's home country and they don't feel comfortable asking their friend's parents. The student saw their personal tutor shortly after their friend's death and was clearly distraught. The provider accepts a statement from the student's personal tutor as evidence in support of their additional consideration request.

56. In some cases, the fact of the death may be enough for the provider to accept the student's request for additional consideration. For instance, if a student's brother or sister dies shortly before the student's exams, the provider should normally accept that this will have had an impact on the student without asking them to provide evidence of the impact. But if a student is asking for additional consideration because of a bereavement that happened some time ago, it may be reasonable to ask the student for evidence of the ongoing impact of the bereavement on them.

Retrospective evidence

57. When students do need to give their provider evidence to support their request for additional consideration, that evidence should normally date from the time the circumstances occurred. Providers may reasonably place less weight on evidence that consists, for example, of a GP confirming what the student told them about their state of health several weeks previously, when the student did not consult with the GP when they were ill. But providers should consider each case on its individual facts. The student may have found it difficult to arrange an appointment with their GP. Or they may have struggled, for good reason, to get supporting evidence at the time the circumstances occurred.

58. In some cases, the student may not have been aware that they were experiencing symptoms that were having an impact on their performance until they were diagnosed with a condition sometime later. For instance, a student suffering from depression may not recognise they are experiencing symptoms or be able to seek treatment immediately, or a student may not be aware they have a Specific Learning Difficulty until the difficulty is identified after exams have finished. Providers should look carefully at the reasons why the student was unable to obtain evidence at the time their circumstances occurred when considering their case.

"Fit to sit" policies

59. Many providers have "fit to sit" policies which say that if a student attends an exam or submits coursework, they are declaring that they are fit to do so and that the mark they achieve should stand. They are not then allowed to ask for additional consideration relating to that assessment.

60. It is normally reasonable for providers to place the responsibility on students to decide whether they are well enough to sit an exam or submit coursework. But the provider should explain this policy clearly to students and they should be reminded of it at relevant points during the year, for example before exams start.

61. Where providers have a "fit to sit" policy, it is normally good practice to accept a declaration from a student that they are not "fit to sit", without having to approve that declaration. If approval is required, this is likely to be a time-sensitive decision that should be taken quickly, and ideally before the exams start. Having an approval process that only takes place after the exams have finished may encourage students to sit exams when they are not well enough to do so. They might not want to risk missing the exam when there is a possibility that their declaration, that they are not "fit to sit", could be rejected.

Withdrawing a "fit to sit" declaration

62. Although it is normally reasonable for providers to place the responsibility on students to decide whether they are well enough to complete assessments, "fit to sit" policies should not be applied in a blanket way. It is good practice to allow students to withdraw a "fit to sit" declaration in certain circumstances, for instance where they were taken ill partway through an exam, or where their judgment was impaired and they were unable to make a rational decision about whether they were well enough to sit.

63. There may also be other circumstances where it would be reasonable to allow a student to withdraw a "fit to sit" declaration. Some students may have good reasons for attempting the exam or submitting the work even though they knew they were unwell. Examples might include the student reasonably believing that they would not be able to sit the exam at the next opportunity because they were pregnant, or had a deteriorating health condition, or had visa difficulties. Or the student might have faced serious financial or employment consequences if they delayed completing their course.

64. A student who wanted to withdraw their "fit to sit" declaration would normally need to make a request for additional consideration explaining why. It is normally reasonable for providers to expect students to provide evidence to support a request to withdraw a "fit to sit" declaration.

CASE STUDY 8: Withdrawing a "fit to sit" declaration

A provider has a "fit to sit" policy which is communicated clearly to students. Students are required to sign a form at the start of each exam to confirm they are "fit to sit". A student attends their exams and signs the "fit to sit" form. However, the student's friends are very worried about the student's mental health. They encourage the student to see their GP shortly after the exams have finished. The GP says that the student has depression which has probably been affecting them for several months. The GP prescribes medication and refers the student to counselling. The GP provides a letter to say that the student's judgment was impaired due to their depression and that they would have been unable to make rational decisions about their studies.

The provider allows the student to withdraw their "fit to sit" declaration and allows them to sit their exams later in the year as first attempts.

Disability and requests for additional consideration

Equality Act 2010 duties

65. Providers should be aware of their duties under the Equality Act 2010 to make reasonable adjustments for disabled students. The duty to make reasonable adjustments applies to any provision, criterion or practice other than a competence standard. The Equality Act 2010 defines a competence standard as "an academic, medical or other standard applied for the purpose of determining whether a person has a particular level of competence or ability".

66. The Equality Act 2010 says that a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. A person who has HIV, cancer or multiple sclerosis is also automatically treated as disabled under the Equality Act 2010.

67. Providers must make reasonable adjustments for a student when they know, or could reasonably be expected to have known, that the student is disabled. Some examples of reasonable adjustments that providers might make to the learning environment and assessment methods include:

- Changes to the physical environment to improve access to facilities;
- Providing or allowing the student to use assistive tools or technology;
- Adjustments to teaching and learning, including providing information in a variety of formats;
- Adjustments to exams and practical assessments such as extra time, rest breaks, sitting the exam in a separate room, use of a computer to type answers or the use of a scribe;
- Extensions to coursework submission deadlines;
- Alternative methods of assessment.

We have published good practice guidance on supporting disabled students.

68. Reasonable adjustments should ensure that disabled students are able to learn and be assessed on a level playing field with their peers. Where a provider has made reasonable adjustments for a disabled student, it should not normally be necessary for the student to use the request for additional consideration process unless:

- They experienced a flare-up or deterioration in their condition meaning that the adjustments were no longer sufficient for their needs;
- There was a shortcoming or failure in the adjustments, or the adjustments were not implemented in time; or
- They experienced circumstances that were unrelated to their disability.

Reasonable adjustments to the additional consideration process

69. Providers should consider requests for additional consideration from disabled students in the usual way. But providers should ensure that the process is accessible for disabled students. Providers should be aware that reasonable adjustments may need to be made to the process itself, for example allowing an extension to make a request if the student experiences difficulties meeting deadlines due to their disability.

70. It is good practice for the additional consideration procedures and any accompanying guidance to signpost students to the provider's disability support staff, as well as other support services. It is also good practice for additional consideration request forms to ask students whether they need reasonable adjustments to be made to the process itself.

CASE STUDY 9: Late submission and disability

A student has mental health difficulties and receives support from the provider's disability support staff. The student submits a request for additional consideration on the grounds that they missed their exams because of ongoing mental health difficulties. They submit the request late. The student says that this is because they have difficulty meeting deadlines due to their disability, and this is supported by the disability support staff.

The provider considers whether its additional consideration process is placing the student at a disadvantage because of their disability, and whether it would be reasonable to adjust the procedure, for example by extending the deadline in order to remove that disadvantage.

Fluctuating conditions

71. It is good practice for providers to review disabled students' support arrangements regularly. It is particularly important if the student has a chronic, fluctuating condition to see whether more or different adjustments are needed to support their learning when they are experiencing a flare-up. But the student should be able to make a request for additional consideration if they believe that their performance was affected because the support did not work for them. The provider should not normally ask the student to provide medical evidence each time they experience a flare-up. In many cases, a student experiencing a flare-up will not require medical intervention, even though their symptoms are debilitating.

CASE STUDY 10: Fluctuating conditions

A student has rheumatoid arthritis. They have regular flare-ups which are acutely painful, and which last for two or three days. During the flare-ups, they are unable to write or type.

The provider agrees that they can have extensions to their coursework deadlines when their ability to work is affected by a flare-up. It adjusts its usual additional consideration process so that they are not required to submit medical evidence of their condition each time they need an extension.

Disclosure of disability through submission of multiple requests for additional consideration

72. It is important that those who are involved in the additional consideration process look out for students whose circumstances may indicate an underlying and potentially undisclosed disability, even if the student has not referred to their health condition in those terms. Providers should ensure that those staff are given training to enable them to recognise when a student is (or might be) disclosing that they are disabled and should have access to advice about what to do in those circumstances.

73. If a student makes multiple requests for additional consideration relating to the same health condition over a period of time, that could indicate that the student might be disabled under the Equality Act 2010. Similarly, if a student makes an additional consideration request relating to HIV, cancer or multiple sclerosis, the provider should be aware that they are likely to be disabled under the Equality Act 2010. Providers should therefore have a process in place to identify and support students in those cases. As well as looking at the request for additional consideration, this will usually mean referring the student to the provider's disability support staff for assessment so that consideration can be given to reasonable adjustments.

CASE STUDY 11: Multiple requests for additional consideration and disclosure of disability

A student makes a request for additional consideration for their first-year exams due to depression and anxiety. They provide a letter from their GP to say that they have been experiencing symptoms for a couple of months, triggered by difficult circumstances at home. The provider accepts the request. The student makes another request during their second year, again relating to depression and anxiety, and provides a further letter from their GP saying that their symptoms have continued and deteriorated since their first year. The provider accepts the request.

Although the student has not formally disclosed that they are disabled or registered with the provider's disability support staff, the provider is aware that the student's depression and anxiety might amount to a disability under the Equality Act 2010 given the severity and duration. The provider refers the student to its disability support staff for assessment so that consideration can be given to reasonable adjustments to support their studies.

Requests for additional consideration

Requests for additional consideration and attendance requirements

74. Sometimes, students have to meet a course attendance requirement either because their course requires it (for instance, because it is a professionally qualifying degree), or to meet the conditions of their visa. If a student's ability to attend is affected by circumstances beyond their control, they may tell their provider by making a request for additional consideration, unless there is a separate procedure.

75. As in most workplaces, students should normally be allowed to report their own absences and to self-certify short periods of illness that affect their attendance. But it is good practice for the provider to place a limit on the number of days for which a student can normally self-certify absence, after which the student may be required to provide evidence or be asked to discuss their circumstances with a member of staff. If a student is frequently absent, they may have an underlying issue and need additional support, or they may need to take some time away from their studies or be referred to the provider's support for study process. Annex 1 provides guidance on support for study processes.

Requests for additional consideration and pregnancy

76. It is good practice for providers to have a maternity policy which sets out what arrangements will be made when a student discloses that they are pregnant. It is good practice (and in some cases essential) for the provider to undertake a risk assessment to assess whether any changes are needed to the student's studies for health and safety reasons. There may, for example, be practical assessments that the student should not do because they involve exposure to chemicals that could be harmful in pregnancy, in which case the provider would need to make alternative arrangements.

77. Generally, students who are pregnant should not need to use the additional consideration process unless they experience ill-health or complications associated with the pregnancy. But the provider may need to adjust the student's exams or assessments if they fall close to their due date, for instance by allowing rest breaks, or it may need to defer the exams if they are due to take place when the student is on maternity leave. The provider should discuss the arrangements with the student concerned.

Requests for additional consideration and groupwork

78. Many degree programmes require students to undertake groupwork assessments, such as group projects or group presentations. Students should be able to use the additional consideration process if, for instance, the whole group has been affected by circumstances beyond its control, or if an individual member of the group experiences difficulties and so is unable to contribute effectively. For issues affecting the whole group, the provider may allow the group to submit one request for additional consideration which applies to all students in the group.

79. Providers will need to consider groupwork-related requests for additional consideration on their individual facts. Outcomes will vary depending on the nature of the assessment and whether the circumstances have affected the whole group or an individual student within the group. For instance, where the circumstances have affected the whole group, it may be reasonable to agree an extension to the submission deadline or to defer the assessment for all members of the group to a later date. Where the circumstances have affected an individual student within the group, it may be reasonable to allow the student to complete an individual assignment in place of the groupwork or to put other suitable arrangements in place. It may also be necessary to adjust the assessment for the other members of the group. Where the circumstances have affected an individual student, the provider should keep details of those circumstances confidential to the student concerned.

Requests for additional consideration and postgraduate research students

80. The guidance set out in this Section of the Good Practice Framework applies to requests for additional consideration from postgraduate research students in the same way as requests from taught students. Postgraduate research students may need to use the process to ask for additional consideration in relation to interim assessments (such as annual progress reviews or transfer / upgrade to PhD), to request an extension to their thesis submission deadline, or in relation to their viva.

81. Details of the request for additional consideration process should be communicated clearly to postgraduate research students, for instance in research student handbooks and on the provider's website. Because research students do not generally sit written exams and may be following a different academic year structure to taught students, they may miss general reminders about the process to follow. Therefore, it is good practice to highlight the process separately to research students at key stages in their studies. Those considering requests should have a good understanding of the provider's regulations relating to research students, including timeframes and key progression points and the nature of study and assessment at research degree level. Supervisors and those supporting research students should know about the request for additional consideration process.

Requests for additional consideration and placements

82. Many students do placements as part of their course, for instance for the purposes of practical training on a professionally qualifying degree, for industrial experience, or to study abroad. Depending on the placement, there may be separate processes for students to report absence or circumstances affecting their performance and they may need to inform both the placement provider and the higher education provider itself. Higher education providers should explain the process(es) to students before the placement starts.

83. It is important that students understand any professional standards that might apply to the placement. For example, students experiencing a common cold may be well enough to study, but not be allowed to attend a ward placement with vulnerable patients. Placements may also have more stringent processes for the prompt reporting of absence.

84. The professional requirements of a course may affect how a provider deals with requests for additional consideration and this should be explained to students. Sometimes, it is a requirement that students complete a specified number of days at a placement and in those cases the provider needs to explain to students whether a placement may be extended, or whether and when a new placement will be required.

Requests for additional consideration and delivering learning opportunities with others

85. Many providers in England and Wales deliver learning opportunities with one or more other providers or awarding organisations, in the UK or overseas. We have published good practice guidance on Delivering learning opportunities with others for providers to consider when handling complaints and academic appeals in the context of these arrangements.

86. Where providers deliver learning opportunities with others, the most common arrangement is for a partnership between one provider that awards the degree and another that delivers the teaching. The agreement between the providers should set out their respective responsibilities, including which provider is responsible for considering requests for additional consideration. Generally, the awarding provider is responsible for ensuring that its own responsibilities, and the roles of the provider(s) with which it works, are clearly distinguished and publicised. The awarding provider is also generally responsible for ensuring that students studying at the delivery provider have clear information about the process for making a request for additional consideration, and the initial route for making an academic appeal. Awarding providers should therefore work with their delivery providers to ensure that the relevant procedures are communicated clearly to students and staff. Awarding providers should also work with their delivery providers to ensure consistency of approach to additional consideration requests, particularly where the arrangement involves partners in different countries.

87. The student's day to day contact will normally be with the delivery provider where they are studying. If the student is asking for something straightforward like a short extension to a coursework deadline, that may be something that the delivery provider can deal with.

88. However, as the awarding provider has ultimate responsibility for the quality and standards of its awards, it may be necessary for the delivery provider to report the outcomes of additional consideration requests to the awarding provider – or to refer cases to the awarding provider where an academic outcome needs to be considered by the relevant exam board. This should be made clear in the procedures. Students should normally have a final right of appeal to the awarding provider if they are unhappy with a decision taken on their request for additional consideration, for instance through the academic appeals procedure.

Requests for additional consideration and apprenticeships

89. An apprenticeship is a job with training to recognised industry standards. Arrangements for the delivery and assessment of higher and degree apprenticeships are underpinned by contracts between the higher education provider, the employer and other relevant parties, and may be complex.

90. In line with the UK Quality Code for Higher Education, a higher education provider with UK degree awarding powers is responsible for the academic quality and standards of the qualifications it awards, whatever the contractual arrangement with the employer or with other partners involved in the apprenticeship scheme.

91. Apprentices may need to follow a specific process to report absence or circumstances affecting their performance. The process should be communicated clearly to apprentices and should follow the broad principles set out in this Section of the Good Practice Framework. As apprentices are students of the higher education provider, they should have recourse to the provider's academic appeals or complaints procedure if they are unhappy with decisions taken about circumstances affecting their performance.

Outcomes of requests for additional consideration

92. The starting point is that all students should have a fair opportunity to show what they are capable of. If they don't get that opportunity because something has happened to them at the wrong moment, then they should normally get another chance at the assessment or have their circumstances considered in some other way. That must be balanced with the need to maintain academic standards.

93. The need to maintain academic standards is why it is not generally good practice to raise individual marks in response to a request for additional consideration – for instance, to give ten extra marks for a bereavement – because there is no guarantee that the student would have achieved those marks had it not been for their circumstances. Marks should normally be based on evidence of the student's actual achievement.

94. Most often, it will be fair to offer the student another attempt at the affected assessment, either for an uncapped mark (if the circumstances affected their first attempt) or for a capped mark (if the circumstances affected a re-sit attempt). But providers may consider other outcomes that would be fair to the student, whilst also upholding academic standards.

95. Where a student is offered another attempt at the affected assessment, it may be necessary for the provider to set another type of assessment because it is not possible to duplicate the affected assessment. For instance, a student who missed a groupwork assignment at their first attempt may have to do a different assignment at their next attempt, because the other students who were doing the groupwork assignment have already completed it. Details of how work will be assessed and re-assessed should be set out in the relevant course documentation.

96. It is good practice for providers to give examples of typical outcomes in their procedures, and examples of outcomes that are not likely to be agreed. But providers should consider each case on its individual facts.

Typical outcomes

97. It is up to the provider to decide what outcome to put in place when it upholds a request for additional consideration, taking into account the circumstances of the case (including the level of study and the stage the student has reached), the regulations that apply to the student's degree programme (including any professional body requirements), and the need to uphold academic standards. The most common outcomes are likely to include:

- Granting an extension to a coursework deadline or removing a penalty for late submission;
- Deferring exams or other assessments, so that the student can demonstrate their performance when they are no longer affected by their circumstances;
- Allowing the student to repeat the year or individual modules or units;
- Setting another type of assessment or giving the student an oral exam.

98. But it may be appropriate to consider other outcomes to ensure that students have a proper opportunity to demonstrate their performance. Discounting marks has the potential to undermine academic standards and can be a factor in grade inflation, but if used carefully it can be a helpful way to recognise a student's individual circumstances and specific assessments that were affected by them. Some providers may allow different outcomes depending on which year the student's request relates to, whether the module concerned is core or compulsory, and how many credits are involved. These other outcomes might include:

    - Disregarding a mark for an individual assessment when deciding on the student's overall result for the module or unit;
    - Disregarding an individual module or unit mark when deciding on the student's progression or overall degree result;
    - Substituting marks for equivalent assessments in place of the affected assessment;
    - Allowing examiners to place greater weight on marks that were unaffected by the student's circumstances;
    - Deeming progression criteria to be met where the shortfall is very marginal;
    - Making a special award for a student who has become too ill to continue with their studies (an Aegrotat award).

99. When considering outcomes, providers should be aware of any circumstances that might need a different approach to the outcome normally applied. For instance, deferring an exam to the re-sit period may not benefit a student who missed teaching or practical classes earlier in the year. The student may need to repeat the module or unit instead, so that they can catch up on what they have missed. Or a student might lose a job offer if they have to delay an exam to the following year. In some cases, providers may need to adjust the normal outcome to prevent disadvantage to a disabled student. For instance, if the normal outcome for a student who missed coursework at their first attempt is to sit an exam in the re-sit period, this may disadvantage a disabled student who experiences difficulties sitting exams. Providers should ensure that the outcome is appropriate for the student's individual circumstances.

CASE STUDY 12: Applying a non-typical outcome

A pregnant student experienced complications with their pregnancy and as a result, missed one of their final year exams. Normally, when a student misses an exam due to ill-health, the provider defers the exam to the re-sit period so that the student can demonstrate their performance when they are no longer affected by their circumstances. However, the re-sit period fell very close to the student's due date and the student did not want to delay their exam (or delay completing their degree) to the following year. The missed exam counted for 30% of the overall mark for the module affected. The remaining 70% was made-up by coursework which the student had completed earlier in the year. Instead of deferring the missed exam, the provider arranged for the student to do an oral exam before the start of the re-sit period, to enable them to meet all the module learning outcomes before their baby was due. The student passed the oral exam and the provider awarded their degree.

100. In some cases, providers may accept that the student has experienced difficult circumstances but decide that those circumstances have had no obvious impact on their academic performance, and so reject the additional consideration request. Providers may also reject requests where the student's circumstances are not compelling, or where they have made their request late with no good reason for the delay.

101. But providers should not normally reject a request for additional consideration simply because the student has passed the assessment(s) concerned. The student may have passed, but their mark might be significantly out-of-line with their performance elsewhere or what they might reasonably have expected to achieve. If the provider accepts that a student's academic performance has been affected by their circumstances, then whenever possible something should be done to put that right.

102. Normally, that would mean offering the student another attempt at the affected assessment or offering to take their circumstances into account in another way. If the provider offers the student another attempt at the assessment but they want to keep the pass mark they have already achieved, the provider should record that the student has chosen to keep the relevant mark rather than take the assessment again. The provider should explain whether, having chosen to keep the mark, any further consideration can be given to the student's case at a later stage.

103. It is not good practice to have an absolute limit on the number of times a student can ask for additional consideration for an exam or assessment. Providers should consider each request on its individual facts. Similarly, providers should not normally reject a request for additional consideration simply because the student has had the maximum number of attempts allowed under its regulations for an exam or assessment or has reached the normal maximum registration period for their course. It may still be appropriate, for instance, to offer the student another attempt if their performance was affected by their circumstances.

104. Exceptionally, however, there may be cases where a provider accepts that a student's circumstances are compelling, but where it decides not to uphold their request for additional consideration because it does not think that they have a realistic prospect of completing their course. The student may have already had several attempts at the assessments but not passed any credits or made any progress academically, with all reasonable support options in place. The student may have reached the normal maximum registration period for their course or they may, in the provider's academic judgment, have no reasonable prospect of completing their course within that timeframe (or be likely to complete if allowed more time) given their progress to date. Ultimately, in such cases, it may be unfair to allow the student to continue with their course when there is no reasonable prospect of completing it. Providers should consider such cases carefully and sensitively.

105. Outcomes of additional consideration requests should be communicated to students in writing, including the reasons for the decision and any next steps. The reasons do not have to be lengthy, but they should include enough detail to enable the student to understand why the decision was taken. The outcome notification should also give information about (a) the student's right to appeal; (b) the grounds on which they can appeal; (c) the time limit for making an appeal; and (d) where and how to access support.

Retaining marks

106. When a student is given another assessment attempt because their request for additional consideration has been upheld, the provider should explain what will happen if they achieve a lower mark at their next attempt. The provider's procedures should explain whether the student's original mark will be removed from their record and so will no longer count, even if they achieve a lower mark at their next attempt, or whether the student will retain the highest mark they achieve over both attempts.

Fee implications

107. Providers do not normally charge re-sit fees for assessments that have been deferred because of a student's request for additional consideration. Providers may, however, charge a tuition fee if a student is repeating the year (or repeating individual modules or units) because they will be attending classes again and using the provider's facilities.

108. Details of any re-sit fees, or repeat tuition fees, should be made clear in the relevant procedures so that students can make an informed choice about what outcome to request.

Appeals

Timing of appeals

109. Students should be allowed to appeal the outcome of their request for additional consideration. The provider's procedures should make clear whether the student can appeal immediately after being notified of the outcome of their request, or whether they can only appeal after the exam board has met to decide their results. Deadlines for appeal should be made clear and the procedures should signpost students to sources of advice and support.

110. The procedures should also make clear whether late requests for additional consideration should be made under the additional consideration process, or whether the student should submit an academic appeal.

Grounds for appeal

111. Students should have the right to appeal if their request for additional consideration has been rejected, or if they are unhappy with the outcome put in place in response to an upheld request. The procedures should set out clearly the permissible grounds for appeal, which might include:

- That the procedures were not followed properly;
- That the decision reached, or the outcome, was unreasonable;
- That the provider did not consider the request properly, for example, it overlooked relevant information that the student included;
- That the provider did not give reasons for its decision;
- That the student has new material evidence that they were unable, for good reason, to provide earlier in the process;
- That there was a reasonable perception of bias during the process.

Appeal processes

112. Providers will normally consider appeals against decisions taken on requests for additional consideration under their academic appeals procedure. We have published good practice guidance on Handling complaints and academic appeals.

Independent external review (OIA)

113. If the provider dismisses the student's appeal and subsequent request for review, it should tell the student its decision in writing and issue a Completion of Procedures Letter as soon as possible and within 28 days. This should include a clear explanation of the reasons for the decision. This will help the student decide whether to pursue the matter further.

114. The decision should also tell the student about:

- Their right to submit a complaint to the OIA for review;
- The time limit for doing so;
- Where and how to access advice and support.

115. The time limit for bringing a complaint to the OIA is 12 months. It is good practice to draw the student's attention to any factors of which the provider is aware which mean that it is particularly important for the student to bring the matter to the OIA promptly, for instance because the course is being discontinued.

Additional consideration and support for study processes

116. Additional consideration processes should be part of a wider framework of study skills and other support, so that students are encouraged to develop good study habits and the resilience to deal with life events in the same way that an employee might be expected to do at work. Early intervention where a student appears to be experiencing difficulties is key. The aim should be that students only need to use the additional consideration process if their circumstances are severe and have had a significant impact on their performance or ability to study.

117. A student who makes repeated requests for additional consideration may have an underlying issue and may need additional support. It is important that providers can spot those students so that they get the help they need. This may mean involving the provider's mental health or disability support staff or asking the student to seek medical help or advice. Providers should therefore have mechanisms in place to identify when a student is making repeated use of the additional consideration process. Repeated use of the process should trigger a conversation with the student about their support needs.

118. More formal support for study (or fitness to study) processes can be followed when there are concerns that a student's mental or physical health is significantly affecting their ability to participate fully and effectively in their academic studies, or life generally at the provider. The additional consideration process should explain when, and under what circumstances, a student may be referred to the support for study procedure. The aim of a support for study process is to assess whether students who have a pattern of ill-health or prolonged ill-health need additional support to continue with their studies, or whether they may need to take time out from their studies. Annex 1 contains guidance on support for study processes.

CASE STUDY 13: Identifying students who need additional support

A student asks for additional consideration several times during their first year. The student says they are finding it difficult to cope with their studies and with life in general. Separately, the student's personal tutor notices that they are frequently absent and that when they do attend, they appear withdrawn and say they haven't slept or eaten properly. When the student makes another request for additional consideration, the provider refers the student to its support for study process. The provider meets with the student and encourages them to make an appointment with its counselling service and to see their GP. Additional support is put in place for the student and they successfully complete their first year.

Additional consideration and fitness to practise processes

119. Students on professional courses need to be able to show that they are fit to practise. Physical or mental health difficulties alone will not usually give rise to concerns about a student's fitness for practice, but they may do if the student doesn't seek appropriate help or is not managing their condition well. We have published good practice guidance on Fitness to practise.

120. Normally, asking for additional consideration will not give rise to concerns about a student's fitness to practise: it is the appropriate route to follow if a student's performance or attendance at assessments has been affected by circumstances beyond their control.

121. But there may be some occasions where, because of the nature of the student's request for additional consideration, the provider may need to consider if there are any implications in terms of their fitness to practise. For instance, if they are suffering from health problems that might affect the safety of patients or service users, but they have not taken appropriate steps to manage this. The student should be offered appropriate support and guidance. But where the concerns can't be remedied in this way, the student may need to be referred to the provider's fitness to practise procedure. The student should be supported through the process and it may be appropriate for the provider to ask the student to provide more information and evidence about their ill-health or ask the student to attend an occupational health assessment.

Issues of complaint raised in additional consideration requests

122. Sometimes, a student's request for additional consideration may include information that should be considered as a complaint, for instance if a student's request is based on reports of bullying or harassment by other students or staff. In such cases, it is good practice for the provider to ask the student if they want to make a formal complaint and to signpost them to the procedure for doing so.

123. In some cases, it may be possible for the provider to reach a decision on the student's additional consideration request without having to investigate the issues of complaint. For instance, if the student has provided evidence to show that their circumstances have caused them significant distress, it may not be necessary to establish that the distress was caused by the actions of other students or staff in order to decide whether to accept the student's request for additional consideration. In other cases, the provider may need to put the student's request for additional consideration on hold whilst it investigates the complaint. This should be explained clearly to the student. If the student does not want to make a complaint, the implications of this for their request for additional consideration should be made clear.

Statistical monitoring and reporting

124. It is good practice for providers to collect data on their additional consideration processes. This may be to assess whether certain groups of students are over- or under-represented in using the process (for instance, as part of an equality impact assessment), whether there are changes in the types of requests being made, to identify if there are trends or internal cultural issues that need to be tackled (such as students using the system to spread-out difficult assessments) or if there are departments or courses where there are disproportionately high or low numbers of claims. It is good practice for providers to share this data with their student representative bodies, so long as sensitive personal information about individual students is protected.

125. If it appears that certain groups of students are not making use of the additional consideration process when they should be, the provider may wish to take steps to address this. Providers may, for instance, work with their student representative bodies to highlight the process to students and to break down barriers preventing its use.

CASE STUDY 14: Monitoring use of additional consideration processes and outreach

A provider noticed that it was receiving a disproportionately low number of requests for additional consideration from international students, but a disproportionately high number of academic appeals based on circumstances that could have been disclosed earlier. In many of those cases, the provider could have offered additional support if the students had made use of the additional consideration process at the appropriate time. The provider worked with its student representative body, including its international students' societies, to make sure students knew about the additional consideration process and to encourage them to disclose any difficulties at an early stage in their studies, so that support could be put in place.

Useful resources

Equality Act 2010:
https://www.legislation.gov.uk/ukpga/2010/15/contents

Equality and Human Rights Commission: Equality Act 2010 Technical Guidance on Further and Higher Education
https://www.equalityhumanrights.com/en/publication-download/equality-act-2010-technical-guidance-further-and-higher-education

Office for Students (OfS): Advice and Guidance
https://www.officeforstudents.org.uk/advice-and-guidance/

OIA Good Practice Framework: Handling complaints and academic appeals
https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/handling-complaints-and-academic-appeals/

OIA Good Practice Framework: Supporting disabled students
https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/supporting-disabled-students/

OIA Good Practice Framework: Delivering learning opportunities with others
https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/delivering-learning-opportunities-with-others/

OIA Good Practice Framework: Fitness to practise
https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/fitness-to-practise/

OIA Good Practice Framework: Disciplinary procedures
https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/disciplinary-procedures/

OIA Completion of Procedures Letter Guidance Note
https://www.oiahe.org.uk/providers/completion-of-procedures-letters/completions-of-procedures-letters-guidance-note/

QAA: COVID-19 Support and Guidance
https://www.qaa.ac.uk/news-events/support-and-guidance-covid-19

QAA: Quality Code
https://www.qaa.ac.uk/quality-code

QAA: Quality Code: Advice and Guidance
https://www.qaa.ac.uk/quality-code/advice-and-guidance

UK Standing Committee for Quality Assessment (UKSCQA): Principles for effective degree algorithm design
https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/principles-degree-algorithm-design.aspx

Annex 1: Support for study processes

1. Providers will deliver academic and wider welfare support to students in several different ways. Sometimes, students will still be concerned that they are not able to pursue their studies to the best of their ability, even with such support in place.

2. Support for study (or fitness to study) processes can be followed when there are concerns that a student's mental or physical health is significantly affecting their ability to participate fully and effectively in their academic studies, or life generally at the provider. The aim of a support for study process is to assess whether students who have a pattern of ill-health or prolonged ill-health need additional support to continue with their studies, or whether they may need to take time out from their studies. Students who are affected by a sudden and serious life event, such as the death of a family member, or being the victim of crime, may also need to use a support for study process to take time away from their studies.

3. It is good practice to set out clear processes for students to request time away from their studies. Providers should set out clearly:

   - How a student should request time away from their studies;
   - Whether the student is required to provide evidence about why they want to take time away from their studies;
   - Who will decide if they can be allowed time away from their studies;
   - The route for appeal against a decision not to allow their request;
   - Whether there is a maximum period of time for the student to complete their course.

4. Processes to consider a student's request for time away from their studies should be proportionate and completed in a timely manner. It is important to protect the sensitive personal information that students may share in support of their request. Providers should take steps to ensure that decisions are taken consistently, whilst recognising the individual factors in each case.

5. It is important that students are given advice about the wider impact of taking time away from their studies, particularly around the impact on their eligibility for student finance in the current and future academic year(s). International students may need advice about how time away from study will affect their visa status. Students may also have questions about whether they may remain in accommodation which is specifically for the use of students. It is good practice to direct students to sources of expert advice in these areas. Providers should explain to students whether and how their tuition fee liability will change as a result of taking time away from their studies.

6. It is also important to tell a student if taking time away from their studies is likely to limit or change their options when returning to the course, for example, if a particular module will not be running in subsequent academic years. It is essential to tell students studying for a qualification in a regulated profession of any impact that time away from the course could have upon their ability to complete a professionally recognised qualification. Providers should keep students who are not currently engaged with their studies informed about any substantive changes to their course of study.

7. It is good practice to ensure that the student's record shows accurately the dates when they were not actively pursuing their course of study. A student's status should be recorded accurately. It is good practice to explain any term used to indicate the student's status (deferred, suspended, temporarily withdrawn etc).

8. Sometimes, a provider may decide to begin the support for study process, rather than this being sought by the student. Clear guidance on when, and under what circumstances, a student may be referred to the support for study procedure should be provided to students. Where a provider begins a formal support for study process, it should ensure that the student understands the process being followed, and that its purpose is to be supportive. The provider should signpost the student to sources of appropriate support through the process, for example from disability support staff or the student representative body's advice centre.

9. In some circumstances, there may be sufficient concern about the student's wellbeing, or their impact on other members of the academic community, that it is appropriate to take immediate action before detailed information about the student's circumstances can be gathered. Providers should follow the principles set out in the Good Practice Framework: disciplinary procedures (paragraphs 115-120) if it is necessary to limit a student's access to the provider's services.

10. It is important to explain clearly to the student what evidence will be considered about their ability to engage with their studies. Where providers require supporting evidence about a student's mental or physical health, it should ensure that such requests are proportionate, and that the information gathered is handled sensitively and appropriately. It is helpful to explain what will happen if the student refuses to provide this kind of evidence or refuses to engage with the support for study process.

11. It is not usually appropriate to require a student to consult a named practitioner specified by the provider in order to obtain information about their health. A student's own medical practitioner is likely to be best placed to provide details about their health. However, providers may ask students to participate in a new assessment by someone with appropriate expertise, to consider what measures may be put in place to support the student (for example, an occupational health practitioner or a disability needs assessment practitioner). It is helpful to explain what will happen if a student refuses to participate in such an assessment.

12. It is good practice to provide the student with the information being considered, and to give the student an opportunity to respond to that information. This may take place at a meeting, or in writing. It is important to operate the procedure flexibly to take account of the student's individual circumstances. The procedure should explain whether and in what circumstances a decision may be reached without the student's participation.

13. It is good practice to tell the student who the decision-maker(s) will be, and to give the student an opportunity to object to the involvement of an individual before sensitive personal information is shared.

14. Decisions reached under a support for study process should be reasonable and proportionate and should be explained clearly to the student.

15. Where a decision is made that a student needs to take time away from study, it is good practice to specify how long the period is expected to be. It is important to set out clearly any conditions for the student's return, and what evidence a student is expected to provide to confirm that they are ready to re-engage with their studies. It is not usually appropriate to require a student who has taken time away from their studies, for reasons connected with their health and wellbeing, to complete additional academic work in order to be allowed to return to the course.

16. The student should be given information about:

    - Their right to appeal against a decision made under a support for study process;
    - The grounds on which they can do so;
    - The time limit for submitting an appeal;
    - Where and how to access support.

17. The appeal should be considered by someone with no previous involvement in the decision that the student should take some time away from their studies.

18. If the appeal is not upheld or is not permitted to proceed under the grounds of appeal, a Completion of Procedures Letter should be sent to the student within 28 days.

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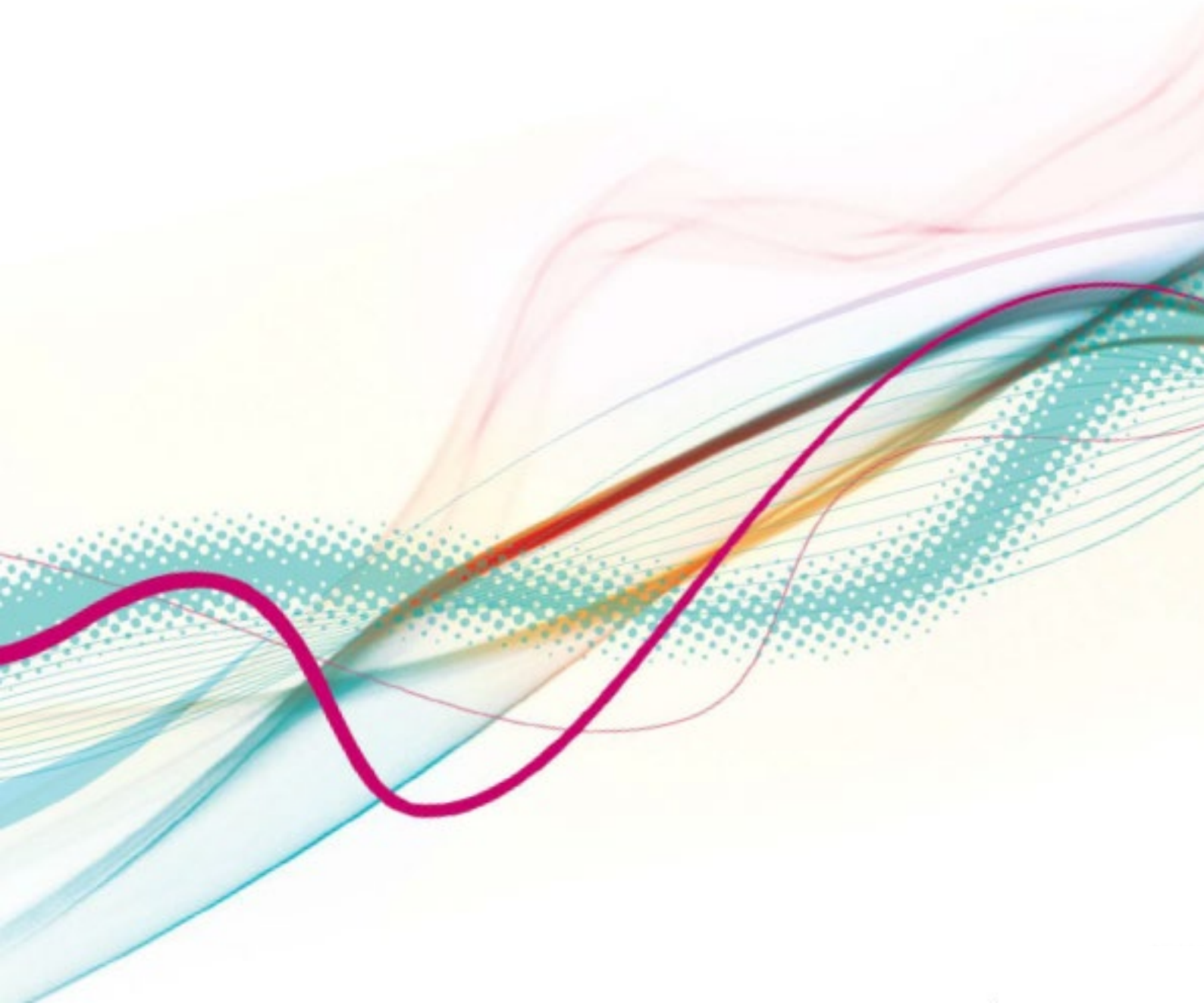
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