



<b>Policy</b>	<b>NEBDN Extenuating Circumstances Policy</b>
<b>Effective date</b>	24 <sup>th</sup> June 2021
<b>Date last reviewed</b>	June 2021
<b>Scheduled review date</b>	June 2023
<b>Supersedes</b>	Special Considerations Policy
<b>Owned by</b>	NEBDN Executive
<b>Monitored by</b>	NEBDN ESC and Governance Committees
<b>Approved by</b>	ESC on 26 <sup>th</sup> January 2021, Governance on 5 <sup>th</sup> February 2021 and NEBDN Board of Trustees on 24 <sup>th</sup> June 2021

### **Purpose**

NEBDN's Policy on Extenuating Circumstances (*referred to in this document as the Extenuating Circumstances Policy*) applies to any learner registered with NEBDN for a qualification. The aim of the policy is to give special consideration to learners who may be disadvantaged in an assessment due to extenuating circumstances beyond their control, whilst maintaining academic standards and without affecting the integrity of the assessment.

If a learner is unable to participate in any assessment and has been affected by an extenuating circumstance, then the learner can ask NEBDN to take this into consideration. NEBDN will follow a fair and open process to ensure that no unlawful discrimination occurs. Details of the procedure and application form are in the Appendix.

This Policy sets out:

- How NEBDN gives due regard to any extenuating circumstances which learners experience which may affect them during an assessment and which are beyond the learner's control
- A clear procedure and timescale for learners to follow, should they wish to apply for specific consideration due to experiencing extenuating circumstances during one of their assessments
- How NEBDN will deal with applications for extenuating circumstances so that they are received, processed, and considered in a consistent, fair, and timely manner using a fair and standardised approach to decision-making.
- The nature of substantive evidence required to be provided with any request for extenuating circumstances

### **Scope**

This policy applies to any learner registered with NEBDN or accredited Centre. It is impossible to provide a definitive list of all extenuating circumstances in which a learner may find themselves in the immediate lead up to or during an assessment; each claim will be considered on a case-by-case basis at the discretion of NEBDN.

**Extenuating circumstances are circumstances which satisfy all the criteria listed below and which may, or have, put the learner at a disadvantage:**

- affect a learner's ability to attend or complete assessments and are exceptional
- are outside their control
- could not have been anticipated or known about or planned for in advance



- can be verified by independent evidence
- occurred during or shortly before the assessment.

**The following is a non-exhaustive list of examples of situations that are likely to be considered VALID extenuating circumstances, normally within 5 days of the examination date:**

- Unplanned hospitalisation, including operations
- Unexpected health issues, tests or diagnoses supported by a registered medical practitioner's letter, appointment, or test result
- Unexpected personal or psychological problems for which a learner has been referred to a counsellor or other qualified practitioner for mental health issues and supported by an appropriate letter
- pregnancy-related conditions and childbirth (including a partner in labour)
- Recent bereavement of an immediate family member (partner, parent, or child) causing significant impact/effect
- major accident or injury, acute ailments or conditions which coincide with an assessment or assessment or are sufficiently long-lasting to impact on a significant part of the course
- Recent (within several days prior to exam) burglary/theft/serious car accident

**Examples of situations (again not exhaustive) that are likely to be considered INVALID extenuating circumstances:**

- separation or divorce - learner or parental
- travel delays which you might be expected to have planned for
- missing a train or bus
- alarm clock did not go off
- car broke down, could not be given a lift to the assessment centre
- childcare problems which could have been anticipated
- accidents or illness affecting relatives or friends unless very serious, or you are a sole carer or dependent relative
- unspecified short-term anxiety, mild depression, or assessment stress
- cough, cold, upper respiratory tract infection, sore throat, minor viral infection, unless directed by a health professional to isolate
- Holidays, house moves, family or religious celebrations or other events
- computer problems, unable to access books or journals or unable to study at home because of disruption
- appointments, legal, medical or job interview
- close proximity of assessment or assessments to one another
- not having acceptable photographic ID on the day of assessment (contact us if no passport/driving licence etc is available)
- English is not the first language

Note: If there is a temporary, acute condition, such as a broken wrist, learners should contact the Centre and NEBDN to discuss an appropriate Reasonable Adjustment to address difficulties with taking the assessment.



**Certain circumstances unlikely to be considered as an extenuating circumstance as they are dealt with under different policies and include (as Reasonable Adjustments):**

- **Circumstances where a learner requires Reasonable Adjustments** to be made to their assessment due to a disability, learning difficulty, known medical condition(s) or where a learner wishes to inform us of a known medical condition. In these circumstances, the learner is referred to the NEBDN Reasonable Adjustments Policy.
- **Circumstances relating to complaints against a Centre**  
Where a learner believes they are disadvantaged due to an issue relating to their Centre, this policy does not apply. In these circumstances, the learner should follow the Centre's Complaints Policy. If the complaint remains unresolved, the learner is referred to the NEBDN Complaints Policy.
- **Circumstances relating to the conduct of an assessment**  
Where a learner believes they are disadvantaged due to an issue relating to the conduct of their assessment, this policy does not apply. In these circumstances, the learner is referred to the NEBDN Complaints Policy - in particular, the section on 'Complaints about the Conduct of an Examination'.

### **Policy statement**

NEBDN aims to ensure that special consideration is given to learners who are eligible to apply under this policy, without compromising the assessment of the skills, knowledge, understanding, or competence being measured.

NEBDN will seek to provide the most appropriate way for the learner to recoup their position and every claim will be considered on a case-by-case basis. NEBDN will follow a fair and open process to ensure that no unlawful discrimination occurs. Where an extenuating circumstances request is approved, special consideration may result in, but is not limited to, one or more of the following:

- an extension granted (e.g., to a closing date)
- being registered for the next available exam date
- an additional re-sit opportunity granted without penalty
- a fee reduction or transfer of fees towards the next sitting.

It is important to note that not all the outcomes listed will be reasonable, permissible, or practical in certain situations or for every NEBDN assessment. In no circumstances will marks and/or assessment results be changed based on an extenuating circumstances request.

There are two routes for extenuating circumstances requests:

- in the lead up to an assessment
- after an assessment.

### **Extenuating Circumstances Claims in the lead up to an assessment**

Learners may apply for special consideration relating to their assessment if in the run-up to the day unplanned and extenuating circumstances beyond their control occur such as:



- being unable to fulfil all the exam entry criteria before the exam entry application closing date due to an exceptional or unexpected event
- having a temporary disability or health condition, such as a broken arm
- being seriously affected by other personal events, such as a bereavement or learning that they have a serious illness.

In such cases, a learner should submit an application for special consideration of extenuating circumstances prior to the date of the assessment. Such applications if approved may, for example, offer alternative solutions to learners.

#### **Extenuating Circumstances Claims after an assessment**

NEBDN operates a fit-to-sit *rule*. If a learner feels unwell or if performance is likely to be affected because of medical or personal difficulties as stated above, the learner should not sit the assessment(s). If a learner takes an assessment knowing they are unwell, the learner will not normally be able to successfully claim valid extenuating circumstances. Learners will need to indicate that they are fit-to-sit written or online exams before they start .

Subject to the above fit- to- sit rule, learners may apply for special consideration due to extenuating circumstances relating to their assessment on the day of the assessment itself or within 5 working days of the assessment being held. These might include:

- learners being unable to attend for their exam on the day due to valid extenuating circumstances
- learners who present themselves for the assessment and consider themselves able to sit but during the assessment believe themselves to be unable to function to their normal level of competence.

In these cases, the learner must inform an NEBDN member of staff or at the Assessment Centre to the Invigilator and Presiding Examiner on the day of the assessment that they believe that they have extenuating circumstances and are seeking special consideration for the circumstances which they find themselves in.

Following the date of the assessment, learners have 5 working days from the date of the test to submit their request and supporting evidence. Requests beyond 5 working days will be considered under the Appeals Policy. Requests after this time can be considered, for example, in the case of learners where later medical evidence comes to light about a learner's condition, which demonstrates that the learner must have been affected at the time of the assessment even though the medical condition was only diagnosed subsequently.

#### **Limitations of the policy**

NEBDN observes the principles of fairness and consistency in the application of this policy. Whilst NEBDN will endeavour to give special consideration to learners who are disadvantaged under this policy, NEBDN will not be able to make any consideration if it involves unreasonable costs to NEBDN, unreasonable timeframes or affects the security or integrity of the assessment.

Whilst NEBDN aims to ensure that special consideration is given to learners who are eligible to apply for extenuating circumstances under this policy, NEBDN cannot compromise the assessment of the skills, knowledge, understanding, or competence being measured.



### **Demonstration of Competence Standard**

Irrespective of the circumstances, the learner will be required to demonstrate that they have met the 'competence standard'. Neither marks nor results will be changed based on an extenuating circumstances request.

### **Explanation of 'Competence Standard'**

Where an assessment requires a competence, criterion or standard to be met fully, it may not be possible to apply special consideration.

A competence standard is defined as an academic, medical, or other standard applied for the purpose of determining whether a person has a particular level of competence or ability.

Special considerations for qualifications that carry a pre-requisite for registration or 'licence to practise' need to be carefully considered so as not to invalidate the registration.

NEBDN qualifications accredit competence against qualification specifications, assessment criteria, and national standards. Any special consideration **must not** affect the integrity of assessment. The assessment must reflect the normal learning or working practice of a learner working within the occupational area.

### **Exemptions**

An exemption is where an agreement is reached for a learner to miss a component or components of the assessment. NEBDN will only grant exemptions in line with its Recognition of Prior Learning Policy.

### **Responsibilities**

The **Education and Standards Committee (ESC)** of NEBDN will:

1. Ensure that the NEBDN staff team apply the Extenuating Circumstances policy by gathering and analysing timely information on the requests made for special consideration of extenuating circumstances and the responses made to those requests; summary reporting to the appropriate Qualification Committee and monitored by ESC.
2. Regularly review the policy as part of NEBDN's self-evaluation arrangements considering centre and learner feedback, changes in practice, actions of the regulatory authorities or other relevant external agencies, or changes in legislation
3. Make recommendations for revisions to the policy and advise the Governance Committee and the Board of these necessary revisions.

The **Responsible Officer** is responsible, and held accountable by the Board, for the consistent, fair, and lawful implementation of this policy in the organisation.

The **NEBDN Operations team** will:

1. Receive requests for special consideration of extenuating circumstances from learners and process them in a timely manner consistent with the procedure



2. Ensure that all requests for special consideration of extenuating circumstances are considered fairly and consistently in line with this policy
3. request further information from learners in order to fully understand the circumstances related to an assessment
4. publicise that special consideration can be given to extenuating circumstances affecting a learner sitting an assessment
5. inform learners of the outcomes of their requests for special consideration of extenuating circumstances
6. alert their line manager to requests which need further detailed consideration or other issues in a timely manner.

**Centres will:**

1. be aware of the content of this policy
2. advise their learners about NEBDN assessments and how requests for special consideration of extenuating circumstances can be made and their related timescales
3. have their own complaints policy for learners who feel the centre has not prepared them appropriately for an assessment.

**Learners will:**

1. read this policy prior to submitting a request for special consideration of extenuating circumstances
2. complete the relevant Extenuating Circumstances Application Form and send it to NEBDN together with appropriate evidence within the required timescales.

**References**

NEBDN Extenuating Circumstances Application Form  
NEBDN Appeals Policy  
NEBDN Complaints Policy  
NEBDN Reasonable Adjustments Policy  
NEBDN Learner Code of Conduct policy  
NEBDN Equality and Diversity policy  
NEBDN Student Fitness to Practice Policy  
Ofqual General Conditions of Recognition (<http://ofqual.gov.uk/>)

**Questions**

If you have any questions about this policy, please email NEBDN at [info@nebdn.org](mailto:info@nebdn.org) and your enquiry will be directed to an appropriate employee or committee.



## Appendix 1

### Procedure for requesting Special Consideration due to Extenuating Circumstances

#### 1. Submitting a request for special consideration due to Extenuating Circumstances

If a learner wishes to request special consideration for extenuating circumstances, he/she should obtain an Extenuating Circumstances Form from the NEBDN website. The form should be completed and returned to NEBDN with appropriate evidence. It is essential that a learner completes the details of dates and the details of assessment(s) accurately on the Form and attaches appropriate evidence.

Claims will automatically be rejected (not accepted for consideration) where:

- the request is not submitted on the correct form
- the request does not have any relevant supporting evidence
- the supporting evidence does not meet NEBDN criteria
- the request is not submitted within the timescales referred to in this policy

Claims which are accepted for consideration may be:

- Approved
- Not approved

Outcomes of requests for special consideration due to extenuating circumstances will always be confirmed by NEBDN in writing

NEBDN will store the request and supporting data according to the Information Management Policy for as short a time as is necessary. See NEBDN's Privacy Notice for how we use medical data.

#### 2. Evidence

All requests for special consideration due to extenuating circumstances must be accompanied by independent, reliable documentary evidence that confirms the nature, timing, and severity of the circumstances and why the learner was unable to comply with the assessment requirements.

##### Examples of evidence likely to be acceptable include:

- Medical report confirming a medical or psychological condition confirming the time when you were suffering from that condition from a GMC registered doctor/licensed practitioner
- Official document such as: a police report including a police reference number, court summons or other legal document.
- Letter from a lawyer or an official agency.
- Statement from NEBDN Presiding Examiner. \*

\*For this to be considered valid, the learner must have reported their circumstances to the Invigilator and Presiding Examiner on assessment day or as soon as practical afterwards. The Presiding Examiner must have been fully informed and both individuals must be willing to support the learner's claim for extenuating circumstances. Alternatively, for online written exams the learner should call in to NEBDN report immediately and follow up by email. NEBDN will inform the Principal Examiner (PE) straight away by email. For online OSCEs the Facilitator should call NEBDN straight away and NEBDN will make the PE aware.



Medical certification will not automatically be accepted in cases of minor illness. Examples include unspecified short-term anxiety, mild depression or assessment stress, cough, cold, upper respiratory tract infection, sore throat, minor viral infection. The burden of proof to support a request for special consideration always lies with the learner.

**Independent evidence used to corroborate extenuating circumstances must meet the following standards. It should be:**

- Written by appropriately qualified professionals who are independent to the learner
- Written on headed paper, signed, and dated. Evidence presented by email may be acceptable if the email has been sent by the author from the official domain name of the author's organisation.
- Confirming specifically that the circumstances were witnessed on the relevant date as opposed to being reported retrospectively.
- In English.
- Unaltered by the learner.

NEBDN will only consider upholding a learner's request for extenuating circumstances when all the above conditions are fully satisfied. If there is evidence that a learner has fraudulently presented documentation to NEBDN the matter will be dealt with under the NEBDN Learner Code of Conduct.

**Timescale**

An extenuating circumstances request should be submitted at the earliest opportunity. In all cases requests should be submitted either before an assessment or no later than five (5) working days after the assessment. NEBDN will not accept retrospective requests for special consideration of extenuating circumstances after assessment results have been received by the learner.

**Extenuating Circumstances Claims in the lead up to an assessment**

Where an extenuating circumstances request relates to a closing date or deadline, it should be submitted to NEBDN before, or on, the closing/deadline date.

**Extenuating Circumstances Claims after an assessment**

Extenuating Circumstances requests received after an assessment must be submitted to NEBDN within 5 working days of the assessment having taken place.

Extenuating Circumstances requests are reported to the relevant Committee and are considered as part of the results ratification process so any extenuating circumstances **requests** which are received outside of the timescale will not be considered. Learners can expect a response to their extenuating circumstances request with, or following, the issue of assessment results.

**3. Consideration of Extenuating Circumstance Claims**

Each Extenuating Circumstance will be considered individually by an Extenuating Circumstances Panel of three individuals constituted by the CEO. All learners will be treated fairly and equitably and in a confidential manner. The Panel decision will take into consideration the nature, timing and severity of the problem and the impact it has had on assessment. The Extenuating Circumstances Panel decision will be passed to the relevant Committee to be noted when ratifying results.



The learner will be informed of the outcome by email sent to his/her email address with, or following, the issue of the assessment results. If the request is deemed invalid the learner will receive an explanation for this decision and the results may not be reconsidered.

#### **4. Valid Extenuating Circumstances**

If the request is deemed valid there will not be an adjustment to marks as changes to marks can only be achieved by re-assessment. If a learner fails to attend an assessment, a zero mark will be awarded until a decision has been made about the extenuating circumstances request, although there are usually no re-sit opportunities until the next scheduled assessment(s).

NEBDN will make the final decision as to whether to offer a resit opportunity and where a learner is given a re-assessment opportunity as a result of valid extenuating circumstances, this will be in the form of the next available equivalent scheduled assessment and will include all components for which the marks and the grade will be considered as a first attempt where appropriate.

#### **5. Fitness for Study and Fit-to-Sit rule**

As a result of significant or repeated extenuating circumstances requests, NEBDN may consider whether the extenuating circumstances or health problems prevent a learner from making academic progress and NEBDN may require the learner to interrupt or withdraw from the qualification.

NEBDN operates a fit-to-sit rule. If a learner feels unwell or if performance is likely to be affected because of medical or personal difficulties as stated above, the learner should not sit the assessment(s). If a learner takes an assessment knowing they are unwell, the learner will not normally be able to successfully claim valid extenuating circumstances.

#### **6. Becoming unwell during an assessment**

If a learner is well and sits an assessment but unexpectedly becomes ill during the assessment and is unable to continue, the learner will be able to submit an extenuating circumstance request for non-attendance as above. The learner must report the unexpected illness to the Invigilator and Presiding Examiner before leaving the assessment venue so that the Invigilator's or Presiding Examiner's report can be used to corroborate any subsequent extenuating circumstances request. Alternatively, when the learner becomes unwell during an online exam this must be emailed to the Assessment & Awards team at [customersupport@nebdn.org](mailto:customersupport@nebdn.org) to provide subsequent evidence.

#### **7. Complaints and Appeals**

##### **Complaints**

If a learner is not satisfied with the outcome of their request, they have the option to make a complaint under the NEBDN Complaints Policy.

##### **Appeals**

Once assessment results are published, the Extenuating Circumstances Policy does not apply. Extenuating circumstances requests cannot be made retrospectively or outside of the specified timescale. Under the NEBDN Appeals Policy, learners are eligible to appeal on the grounds that details of extenuating circumstances were, for justified reasons, not available prior to the issue of assessment results. In these circumstances, learners are referred to the NEBDN Appeals Policy.