



Institute
and Faculty
of Actuaries

Mitigating Circumstances Policy and Procedure

January 2020

Mitigating Circumstances Policy and Procedure

Introduction

The Institute and Faculty of Actuaries (IFoA) is committed to providing a fair and transparent route to achieving its qualifications.

This policy and procedure is intended to provide candidates of IFoA assessments with a formal means for applying for mitigating circumstances to be taken into account in relation to their performance in an assessment.

This policy and procedure applies to all candidates of the IFoA assessments. Where there is a discrepancy between this policy and other regulations or handbooks in respect of procedures for the consideration of mitigating circumstances relating to assessments, this policy takes precedence.

The Lifelong Learning Board of the IFoA has overall responsibility for this policy and procedure. The operation and administration of it is undertaken by the IFoA Executive and overseen by the Education Committee of the IFoA.

The Head of Quality and Assessment (or nominee) is authorised to consider and make judgement in any cases of doubt or where clarification is needed concerning this policy and procedure.

The IFoA aims to:

- Treat all candidates fairly in the consideration of their mitigating circumstances.
- Fulfil its commitment to delivering a seamless candidate service.
- Deal with any requests in a timely manner.

The IFoA recognises that it can be difficult to disclose sensitive, personal information to other parties. As such, please note that all information and documentation provided in support of an application will be treated sensitively, and will remain confidential.

Definition of Mitigating Circumstances

The IFoA considers a mitigating circumstance to be a recognisably unexpected serious or major event which is beyond the candidate's control that has a significant and materially adverse effect on their performance in an IFoA assessment.

On-going conditions and other disabilities that affect candidates do not fall in this definition. The IFoA offers access arrangements (see the [IFoA's Access Arrangements Policy](#)) for mitigating the effect on individuals of such on-going conditions. Where allowance has been made for a continuing condition, a further allowance should not be made through the consideration of mitigating circumstances except as described below.

Some candidates affected by 'on-going' conditions may encounter specific difficulties related to their condition that impact materially upon performance in an assessment. Such circumstances may be legitimately considered as meeting the definition of mitigating circumstances above. For example, a candidate who suffers from MS, rheumatoid arthritis, or Crohn's disease, may or may not need constant 'reasonable adjustments' in assessments, but if they have a worsening of the condition around the time of an assessment they may also need to be considered under these mitigating circumstances procedures. In such situations, the Mitigating Circumstances Panel (as described below) considering an application for mitigating circumstances will need to receive information concerning any 'reasonable adjustments' that are in place. The important principle is that no candidate should receive a double compensation through both an on-going 'reasonable adjustment' and an allowance through mitigating circumstances.

Who considers an application for Mitigating Circumstances?

The Mitigating Circumstances Panel ("the Panel") considers all eligible applications (see eligibility below).

The Panel is convened every assessment diet and comprises of the Chair and Deputy Chair of the Board of Examiners and 3 members of the IFoA executive.

Criteria for Submitting a Mitigating Circumstances Application

Any Mitigating Circumstances application submitted should demonstrate that it meets all of the following criteria:

Beyond the control of the candidate: the candidate must demonstrate that they could not have done anything to prevent the circumstance arising, that it was unforeseen and unpreventable.

Effect on assessment: the application must demonstrate a significant and material impact on the candidate's performance during the assessment. It must make clear the duration of the circumstances and have appropriate documentary evidence to support the application.

Have timely relevance: typically the circumstance must have occurred on the day the assessment was sat or the week leading up to it. Where the event falls before this time the candidate should be able to demonstrate that the impact it had can be linked to the assessment being applied for.

Where a candidate submits repeat applications for the same medical condition, the Panel may use its discretion to continue to accept the request, or reject and instead require the candidate to apply for Access Arrangements if appropriate. In these situations, the normal course of action for the Panel is to accept the current application but advise the candidate that further requests for the same condition are unlikely to be accepted.

Eligibility for Mitigating Circumstances

The Panel will only consider eligible applications for mitigating circumstances on the following grounds.

- The application for mitigating circumstances must be in English and only evidence written in English can be considered. It is the candidate's responsibility to obtain and submit a verified translation if the original evidence is in another language whilst adhering to the deadlines laid out below.
- The application for mitigating circumstances should contain as much relevant supporting material/documentation as possible, taking account of the criteria outlined above. Candidates should be aware that only factors deemed to have a serious and material adverse effect on performance (as outlined above) will result in changes to marks. The Panel has limited options when they receive an application. This is because the Panel's responsibility is to review what they see; they cannot accurately or fairly award marks for a level of performance that they do not see.
- Candidates who are more than three marks away from the pass mark and have applied for mitigating circumstances will not be considered by the Panel at all, as the initial result is too far away from the pass mark to be mitigated. The original mark awarded will remain.
- Only candidates who have applied for mitigating circumstances and are within three marks of the pass mark will be eligible to go to the Panel for consideration. A referral to the Panel does not guarantee that an adjustment will be made. The Panel reviews each case individually and considers the severity, duration and timing of the circumstances, and whether an allocation of extra marks would allow the candidate to reach the pass level. If this is the case, then the candidate will be awarded a mark equal to the pass mark.
- Generally, applicants who have achieved the pass mark or above for the exam will automatically be awarded the initial exam mark regardless of any mitigating circumstances. For example, if a candidate achieves a mark of 65 and the pass mark is 60 then no further consideration will be given to the candidate's individual mark. This is based on the fact that the candidate has already achieved a pass.

Submitting an Application

Applications for mitigating circumstances must be completed on the [form provided on the website](#) and submitted to mitigating.circumstances@actuaries.org.uk within seven calendar days from the assessment date. If the candidate is applying for more than one assessment in their application it is

seven days from the date of the last assessment taken. Applications received after this deadline will not usually be considered by the Panel.

Candidates must provide documentary evidence (if applicable) with their submission. This can be submitted along with the completed application form within 7 calendar days from the assessment date. If the candidate is unable to obtain the necessary evidence within 7 calendar days, then they must submit the application form within 7 calendar days, and then they can submit the evidence separately within 28 calendar days of the assessment. If they are applying for more than one assessment in their application it is 28 calendar days from the date of the last assessment taken. However a decision cannot be made until the evidence is received and if the evidence is not received in time then the application may be rejected and the candidate informed by email.

Candidates should include as much detail as possible in their application to explain how their assessment performance was affected. The Panel will only be able to consider the information and supporting evidence which candidates provide and will not generally ask for further evidence.

It is assumed that candidates have determined that they are well enough to take the exam at the scheduled time. Applications will not be accepted where the candidate has sat the exam against medical advice.

Applicants will receive a confirmation email informing them of receipt.

Guidance on Evidence Required to Support Mitigating Circumstances

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

The IFoA recognises that it can be difficult to disclose sensitive, personal information to other parties. As such, please note that all documentation provided in support of an application will be treated sensitively, and will remain confidential. The information presented will be subject to the IFoA's data retention schedule for assessments. **Please note that any form of photographic evidence, or medical documentation providing detailed information such as haemoglobin levels, or medications taken are not required unless requested.**

Circumstance	What is likely to be accepted and what evidence is required?
Serious Illness	<p>Confirmation of the illness, the impact the illness has had on the affected assessment(s) and the dates concerned. There should be a confirmed diagnosis by a registered doctor specifying the nature of the illness. If currently undergoing assessment and no diagnosis has been reached then documentation by a registered doctor specifying symptoms will be considered. Letters stating that the candidate informed them that they were unwell will not be accepted. Minor illnesses such as colds, sore throats, headaches, digestive problems etc. would not normally be acceptable grounds.</p>
Long-standing medical condition or disability	<p>Diagnosed condition that is normally supported through reasonable adjustments (access arrangements) that flares up unexpectedly close to the assessment, and the reasonable adjustments are not sufficient for the candidate to fairly attempt the assessment. Or a previously undiagnosed/recently diagnosed condition that adjustments have not yet been put in place to make it possible to fairly undertake the assessment. This will normally only be permitted for the first assessment period after the diagnosis as it is expected that support via Access Arrangements would be sought for future assessment periods. There should be a confirmed diagnosis by a registered doctor specifying the nature of the illness. Letters stating that the candidate informed them that they were unwell will not be accepted.</p>
Hospitalisation	<p>Confirmation of the illness, the impact the illness has had on the affected assessment(s) and the dates concerned. This should be provided on an original medical certificate/letter.</p>

Circumstance	What is likely to be accepted and what evidence is required?
<p>Serious illness (as described above) or death of a member of the candidate's immediate family (e.g. parent, sibling, child, grandparent, spouse, guardian)</p>	<p>Where a candidate's immediate family member has a serious illness, independent confirmation of both the illness and how the illness affected the candidate's assessment(s) should be provided. A diagnosis of the family member is not required, specifying symptoms will be considered. It is more important that the IFoA receive independent confirmation of the effect of the situation on the candidate sitting the assessment(s). A letter from a doctor or employer verifying the impact would be considered as independent confirmation.</p> <p>A medical report from a qualified medical practitioner or a copy of a death certificate, coroner's report, letter from medical professional. Accompanied if necessary by formal documentation confirming relationship with deceased.</p> <p>Whilst a death certificate is a sensitive and often difficult document to obtain it is required to prevent fraudulent claims.</p> <p>Other relationships may be considered subject to there being sufficient evidence of the closeness and impact.</p> <p>Where it is not clear from the documentation of the relationship between the candidate and family member, evidence should be provided to clarify the relationship.</p>
<p>Severe adverse personal/family difficulties</p>	<p>Confirmation of the circumstances, and/or independent confirmation (where appropriate) of the effect that these had on the candidate sitting the assessment(s) and the dates concerned. This can include a whole range of issues, such as separation from spouse/partner, conflict with others, caring duties that couldn't be done by anyone else, etc. A letter from a doctor, employer, or counsellor verifying the impact would be considered as independent confirmation.</p> <p>Examination stress is a common experience and not normally considered a personal mitigating circumstance as some level of sleep disturbance or feeling nauseous can be usual (unless in a serious form which can be documented either by a counsellor or doctor).</p>

Circumstance	What is likely to be accepted and what evidence is required?
Pregnancy-related illness	The requirements for illness, hospitalisation etc. should be followed if there is a specific incident during pregnancy.
Exam Centre related issue	<p>If the candidate experienced disruption that caused significant impact to the candidate's exam performance such as:</p> <ul style="list-style-type: none"> • Significant noise. • Disruption during the examination. • Significant environmental impact, e.g. heating/lighting. <p>This must be reported to the invigilator before leaving the exam centre and evidence of reporting must be included in your application. The invigilator will have an appropriate form.</p>
IFoA online platform or other IT issues	<p>Candidates who experience a significant issue that occurred with our online examination platform or other IT issues such as failure of internet. Supporting evidence should identify:</p> <ul style="list-style-type: none"> • Time/impact as a result of the issue • Any correspondence between the candidate and the IFoA flagging the issue. (Note that the IFoA do not record telephone conversations therefore it is recommended you follow up telephone conversations with an email as supporting documentation.) • Screenshots of the occurring issue • Independent confirmation of any internet failure (where applicable)
Victim of crime	Police report (including a crime reference number). If the incident has resulted in the candidate seeking medical attention then the requirements for illness should be followed.
Legal proceedings requiring attendance at court as a witness or jury service	Documentary evidence from the court or a solicitor including the dates of the legal proceedings and the requirement for the candidate to attend.

Circumstance	What is likely to be accepted and what evidence is required?
Road Traffic Incident	<p>If the candidate has been involved in a road traffic incident, either as a passenger or as the driver, evidence must be provided detailing the time and place that the incident occurred including:</p> <ul style="list-style-type: none"> • A police report (including a crime reference number); <i>or</i> • Insurance reference number/record of the event.

Circumstances that may not meet the Definition of Mitigating Circumstances

The following are examples of the kind of circumstances that are not likely to be considered acceptable. This list is not exhaustive.

Circumstance
<p>Medical Circumstances</p> <p>Medical circumstances that do not relate directly to the assessment date in question or cannot be attributed to having an effect on the assessment. A statutory sick pay certificate will not be considered. Minor illnesses that could be treated with over the counter remedies (e.g. colds, coughs, sore throats etc.)</p>
<p>Transport issues</p> <p>It is the candidate's responsibility to arrive at the assessment on time, irrespective of the form of transport used or relied upon. Exceptions to this might be industrial action or other significant disruption that is beyond the candidate's control. Evidence of any significant disruption would be required.</p>
<p>Holidays/Family Events</p> <p>All holidays and vacations should take place at a time that will not impact on the candidate's availability to study or undertake or prepare for an assessment(s).</p>
<p>Misreading the examination timetable</p> <p>It is the candidate's responsibility to ensure that they have an accurate understanding of the location, time and duration of all formal assessments.</p>

Circumstance
<p>Paid employment or voluntary work</p> <p>It is the candidate's responsibility to manage other commitments so that they do not adversely interfere with their studies.</p>
<p>IT and/or computer failure</p> <p>It is the candidate's responsibility to ensure that all work which is electronically stored, generated and/or submitted is sufficiently backed up and the correct piece of work is submitted.</p>
<p>Foreseeable/preventable circumstances</p> <p>Where the circumstances are within the candidate's control they are expected to take appropriate measures to mitigate for this.</p>
<p>Scheduling of assessments/deadline</p> <p>Deadlines or exams being close together.</p>
<p>Lack of understanding of the exam paper, exam time pressure or failure to understand the recommended software</p> <p>The candidate should answer the question to the best of their ability, ensure they are managing their time appropriately and have practised using the software prior to the exam taking place.</p>

Outcome of Mitigating Circumstances Application

Candidates who make a mitigating circumstances application will normally be informed within 5 working days of the exam results being released of the outcome of their application. Should the Panel have sought further information from the applicant, or the relevant examining team, and a delay is expected then the applicant will be informed accordingly and another due date for release of their assessment results given.

Where the Panel believes that the mitigating circumstances affects a larger cohort, usually an exam paper error, then it will agree on the fairest way to deal with the error to minimise the effect on all of those candidates. This could involve referral to the Board of Examiners who could potentially discount a particular question or make amendments to the marking scheme.

The decision of the Panel is final and, subject to the right of appeal, no further correspondence will be entered into. Candidates cannot contest the outcome of the Panel on the grounds of academic judgement. If a candidate wishes to pursue the matter further, they may consider submitting an appeal via the appeals process. Candidates who wish to make an appeal are advised to read the [IFoA Appeals Policy](#).

Document control

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