

Special Consideration Policy

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Contents

1. Overview of the Policy.....	3
1.1 Purpose of the Policy.....	3
1.2 Communication of the Policy	3
1.3 Definition	3
1.4 Our commitment	3
2. Responsibilities	4
2.1 UAL Approved Centre responsibilities.....	4
2.2 UAL Awarding Body responsibilities	4
3. Special Consideration	4
3.1 Making a Special Consideration	4
3.2 Evidence requirements	5
3.3 Procedures and timescales for applying for Special Consideration	5
3.4 Right of appeal.....	7
4. Aegrotat Award.....	7
5. Confidentiality of data and information.....	8
Appendix.....	8
Links to regulatory Conditions	8

1. Overview of the Policy

1.1 Purpose of the Policy

This Special Consideration policy (the Policy) defines and sets out the scope of Special Consideration, clarifies the responsibilities of UAL Awarding Body (we, us, our etc.) and UAL Approved Centres, and explains the process and timelines for approving Special Consideration. It also clarifies that Special Consideration must not be applied by UAL Approved Centres without written approval from UAL Awarding Body.

1.2 Communication of the Policy

UAL Approved Centres must inform all staff involved in the management, delivery, assessment and quality assurance of UAL Awarding Body qualifications of the provisions of the Policy. It is vital that all learners registered on UAL Awarding Body qualifications are also made aware of the contents of the Policy when they register, and understand how to apply for Special Consideration via their centre.

We will ensure that the Policy is communicated to all UAL Approved Centres via our website and through external communications.

1.3 Definition

Awarding Organisations are required, either directly or through their approved centres, to make Special Consideration for learners who have been affected by temporary illness, injury or adverse circumstances at the time of the assessment.

In this context, Special Consideration may be given to a learner, by exception, following an assessment, to take in to account and mitigate any previously unknown factors which have recently come to light that may have had an Adverse Effect on a learner's ability to perform to their full potential because of exceptional circumstances beyond their control.

UAL Approved Centres are permitted to apply for Special Consideration on behalf of registered learners in line with UAL's obligations under the Equality Act 2010 and within the provisions of the General Data Provision Regulation 2018.

1.4 Our commitment

We aim to promote and ensure equality of opportunity and fair access to all our products and services including our qualifications.

We are committed to protecting the rights of the individual learner; which includes awarding them to the level that reflects their abilities when adverse circumstances beyond their control have limited their ability to perform to their full potential. This must be achieved without compromising the reliability or validity of the assessment outcomes or giving any learner an unfair advantage over other learners undertaking the same or similar qualifications and assessments.

It is imperative that achievement of our qualifications provides all employers, Higher Education Institutions (HEIs) and other stakeholders with a trusted and realistic indication of the learner's ability.

2. Responsibilities

2.1 UAL Approved Centre responsibilities

UAL Approved Centres have a responsibility to establish a process through which learners can declare, as early as possible, when they have been affected by temporary illness, injury or adverse circumstances at the time of the assessment.

All supporting evidence and details of decisions made must be recorded, held on file for two years, and made available upon request to UAL Awarding Body, for example to inform appeal investigations or as part of our monitoring process.

2.2 UAL Awarding Body responsibilities

UAL Awarding Body have a responsibility to ensure that Special Consideration is appropriate; evidence based and does not advantage or disadvantage learners, whether concerning internally or externally assessed qualifications.

In line with regulatory Conditions of Recognition G7.1 and G7.2, UAL Awarding Body must put in place clear arrangements for Special Consideration to be given to learners undertaking UAL Awarding Body Qualifications, and must publish procedures detailing how a learner qualifies for Special Consideration, and what Special Consideration will be given.

UAL Awarding Body will handle all evidence and data relating to Special Consideration applications in line with the General Data Provision Regulation 2018. More information is outlined in section five of the Policy.

3. Special Consideration

3.1 Making a Special Consideration

Examples of circumstances under which Special Consideration may be applicable include, but are not limited to:

- Unanticipated personal illness, or a health condition that was unknown at the time of assessment
- Unanticipated worsening of a pre-existing medical condition or disability where the reasonable adjustment afforded by the centre is no longer effective
- Accident, personal injury or circumstances beyond a learner's control which prohibited them from submitting their work within an agreed timeframe
- A bereavement of a close family member immediately prior to the assessment

- A serious disturbance during the assessment (e.g. fire alarm and/or evacuation of the building)

Examples of circumstances that would not normally be eligible for special consideration include:

- Personal arrangements that affect assessment or attainment such as holidays or unauthorised absence.
- Where preparation for assessment is affected by preventable environmental factors within a centre such as building works or staff shortages.
- Pre-existing medical conditions, disabilities or learning difficulties. In these circumstances learners should declare their condition and needs prior to the assessment in order that the necessary Reasonable Adjustments may be implemented. (Please refer to UAL Awarding Body Reasonable Adjustments Policy).

3.2 Evidence requirements

Where your learners require Special Consideration, they should provide you with evidence of how their assessment has been adversely affected. You must ensure that a suitably qualified member of staff checks that the evidence is current and relevant to the learner.

As detailed in section 2.1, all supporting evidence and details of decisions made must be recorded, held on file for two years, and made available upon request to UAL Awarding Body.

Each application will be determined on a case by case basis, although consideration will be given to similar past cases to support comparability and fairness over time.

Special Consideration may not be given if the requests:

- Do not meet the published criteria
- Involve unreasonable costs or implications for the Awarding Body
- Involve unreasonable timeframes
- Affect the validity and/or integrity of the qualification or assessment.

3.3 Procedures and timescales for applying for Special Consideration

3.3.1 Internally assessed qualifications (those marked by the centre and moderated by UAL)

Step 1: Submit application form ASC1

You must apply for Special Consideration on behalf of each individual learner using a separate application for Special Consideration form (ASC1) available to download from the UAL Awarding Body website.

Applications must be submitted as soon as a circumstance requiring Special Consideration has been identified and no later than 10 working days after the assessment has taken place.

Applications must be sent to quality.awarding@arts.ac.uk.

Late applications will not be considered. It is not possible to request Special Consideration after an award has been claimed and/or certificated.

Each request must indicate the nature of the adverse circumstances which affected the learner, form of evidence provided and must be signed by the staff member at your centre who is accountable for confirming the Special Consideration needs to take place and has reviewed the supporting evidence.

Step 2: Quality Assurance & Enhancement (QAE) team review evidence and determine outcome

Our QAE team will review the information submitted to decide whether the proposed Special Consideration is warranted and appropriate. The QAE team will confirm the outcome within 10 working days of the application being received.

If the QAE team requires further information upon which to base their decision, we may ask you to submit a copy of the records of decisions taken by your team. If we decide not to approve the application, we will provide you with a clear explanation and you will have the right to appeal the decision.

You must retain a record of Special Consideration including details of whether they have required approval from UAL, whether approval was been granted or declined and how they were implemented. External moderators may request to see these records during the moderation visit.

3.3.2 Externally assessed qualifications (those set and marked by UAL)

Step 1: Submit application form ASC1

You must apply for Special Consideration on behalf of each individual learner using a separate application for Special Consideration form (ASC1) available to download from the UAL Awarding Body website. The deadline for application is 27 May 2022. Applications must be sent to quality.awarding@arts.ac.uk.

Late applications will not be considered. It is not possible to request Special Consideration after an award has been claimed and/or certificated.

Each request must indicate the nature of the adverse circumstances which affected the learner, form of evidence provided and must be signed by the staff member at your centre who is accountable for confirming the special consideration needs to take place and has reviewed the supporting evidence.

If the QAE team requires further information upon which to base their decision, we may ask you to submit a copy of the records of decisions taken place by your team.

Step 2: QAE team collates and presents applications to the Chief Examiner for consideration at the UAL Board of Examiners

The UAL Board of Examiners will carefully consider each application, consider whether Special Consideration are required, and make a decision to accept or reject each application. If we decide not to approve the application, we will provide you with a clear explanation and you will have the right to appeal the decision.

Step 3: Decision is confirmed and follow up actions made where appropriate

The QAE team will inform the centre of the Board of Examiners decision prior to the assessment window.

3.4 Right of appeal

Requests to appeal the outcome of a Special Consideration application must be made within 10 working days of receiving notification of the outcome. The request to appeal must be sent via email to quality.awarding@arts.ac.uk.

An appeal can only be requested on one or more of the following grounds:

- The procedures through which the original application should have been processed were not followed;
- The outcome is considered unreasonable; or
- New material evidence is produced, which the applicant was not able to disclose with the original application for valid reasons.

The request for an appeal will be reviewed by a Quality Assurance and Enhancement Officer that has not been connected to the original Special Consideration application in any way.

Within 5 working days the applicant will be notified if the grounds for appeal have been met.

If the Quality Assurance and Enhancement Officer decides that the grounds for appeal have been met, they will carry out a review of the application. At the end of the review the Quality Assurance and Enhancement officer will write to the appellant outlining their final decision.

The following outcomes are possible:

- The original outcome is upheld; or
- The Officer recommends that the matter is referred back for reinvestigation.

The outcome of the appeal will be communicated to the appellant in writing within 20 working days of receipt of the appeal request.

4. Aegrotat Award

An aegrotat award is an award that may be made if a learner is prevented from completing their assessments by illness, death, or other cause accepted by UAL Awarding Body.

UAL Awarding Body may award an aegrotat where there is sufficient evidence that the learner would have satisfied the standard required for the award, had they been able to continue their studies. An aegrotat award can be made posthumously.

You must apply for Aegrotat awards on behalf of each individual learner using the aegrotat section of the Special Consideration form (ASC1) available to download from the UAL Awarding Body website. Applications must be submitted as soon as a circumstance requiring Aegrotat has been identified. Applications must be sent to quality.awarding@arts.ac.uk.

5. Confidentiality of data and information

UAL Awarding Body reserves the right to sample your Special Consideration evidence to enable it to demonstrate legal and regulatory compliance.

As a joint controller of learner data as set out in the UAL Approved Centre Agreement with each UAL Approved Centre, UAL Awarding Body may require and request access to data categorised as 'sensitive' under the provision of the GDPR. UAL Awarding Body will handle all such data in strict accordance with the requirements of the GDPR as set out in its Privacy Notice.

UAL Awarding Body will ensure that such information is kept secure, used only for the purposes of the request by a limited number of staff, and deleted once that purpose has been met. We will not disclose this information to third parties unless legally required to do so.

UAL Awarding Body will aim to access and retain original evidence or copies of evidence and will collect the minimum amount of data necessary to fulfil its purposes. All UAL Approved Centres are required to retain any documentation relevant to UAL Awarding Body qualifications, securely in line with your document archiving and retention procedures.

Appendix

Links to regulatory Conditions

UAL Awarding Body is required to comply with all Conditions of Recognition produced by the three UK qualifications regulators, Ofqual, Qualifications Wales and CCEA Regulation.

The Policy is underpinned by the below regulatory Conditions:

Regulatory body	Relevant Condition
<u>Ofqual</u>	G7 – Arrangements for Special Considerations
<u>Qualifications Wales</u> <u>CCEA Regulation</u>	J1 – Interpretation and definitions