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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 for the final summative unit/s must not be applied by UAL Approved Centres without written approval from us.

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 circumstances that disadvantage the learner at the time of the assessment.

In this context, Special Consideration may be given to a learner, by exception, following an assessment, to take into account and mitigate any previously unknown factors which have recently come to light that may have disadvantaged 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.

In cases where a learner is prevented from completing their assessments by illness, death, or other cause accepted by UAL Awarding Body, an Aegrotat Award may be made. More information on Aegrotat Awards can be found in section 3.3.
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 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 circumstances that may disadvantage the learner at the time of the assessment. UAL Approved Centres have a responsibility to ensure that Special Consideration is appropriate, evidence based and does not advantage or disadvantage learners.

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 grade appeal investigations or as part of our quality 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.

In line with regulatory Conditions of Recognition G7.1 and G7.2, UAL Awarding Body must put in place clear arrangements for Special Consideration for learners studying UAL Awarding Body Qualifications. UAL 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. Further information is outlined in section five of the Policy.
3. Special Consideration

3.1 Making a Special Consideration

Where students have faced difficulty in completing the required assessment for a formative/developmental unit, or the final summative unit/s (often a Final Major Project /FMP), you must initially consider whether a permitted adaptation is appropriate. Please find the guidance here and note that your allocated subject specific Senior External Moderator (SEM) can offer guidance and support around adaptations.

3.1.1 Formative developmental units

UAL Approved Centres may apply appropriate Special Consideration at their own discretion. This is an internal centre decision and you do not need to make an application to UAL Awarding Body. Where your centre has applied Special Consideration, you are required to record and evidence why the internal Special Consideration has been applied. The evidence of Special Consideration may be sampled during external moderation or requested as part of the quality monitoring process.

3.1.2 Final summative unit/s

If a student is unable to complete the final summative unit/s, you must apply to UAL using the Special Consideration Process outlined in section 3.5.

3.2 Special Consideration Circumstances

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).

3.3 Aegrotat Award

An Aegrotat Award is an award that may be made if a learner has no reasonable prospect of completing their qualification, for example due to terminal or degenerative illness, death, or other serious 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 an Aegrotat Award on behalf of each individual learner as soon as the need has been identified. Applications must be sent to quality.awarding@arts.ac.uk with the subject title Aegrotat Request.

3.4 Evidence requirements

3.4.1 Evidence requirements supporting adverse circumstances

Where your learners require Special Consideration, they must provide you with sufficient, valid evidence of how their assessment has been adversely affected. You must ensure that a suitably qualified member of staff (such as a Tutor, Subject Tutor, or Curriculum Leader) 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 request:
- Does not meet the published criteria
- Requires unreasonable costs or implications for the Awarding Body
- Requires unreasonable timeframes
- Affects the validity and/or integrity of the qualification or assessment.

3.4.2 Evidence requirements supporting the proposed grade

Where your learners require Special Consideration, evidence is required to support the proposed grade for the student. When completing an application, documentation including an exemplification matrix / grade descriptors must be provided to UAL Awarding Body. Please note that applications received without evidence will be rejected.

You can find the exemplification matrix / grade descriptors here.

Additional assessment evidence may need to be provided upon request for further scrutiny, at the discretion of your allocated subject specific Senior External Moderator (SEM).
3.5 Procedures and timescales for applying for Special Consideration

Step 1: Complete and 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 here.

Deadlines

A Special Consideration application must be applied for no later than 10 working days after the final summative unit/s has been completed, with the latest date for submission being:
- Internally assessed qualifications: 11 June 2022
- Externally assessed qualifications: 27 May 2022

Late applications will not be considered. It is not possible to request Special Consideration after an award has been claimed and/or certificated. Where circumstances have been identified that have disadvantaged a learner’s performance in assessment after the Special Consideration deadline has passed, centres must refer to UAL Awarding Body’s Appeals Policy.

Each request must indicate:
- The nature of the circumstances which disadvantaged the learner
- The form of evidence provided
- That the request has been signed by two staff members at your centre who are accountable for confirming the Special Consideration needs to take place and has reviewed the supporting evidence.
- How much work the learner has completed
- When the learner stopped their studies
- The proposed grade for the learner

For any queries, please contact quality.awarding@arts.ac.uk with the title Special Consideration.

Step 2: Senior External Moderators / Board of Examiners review evidence and determine outcome

Internally Assessed Qualifications Summative Unit/s & Second Year Externally Assessed Qualifications

For internally assessed qualifications and second year externally assessed qualifications, Senior External Moderators (SEM’s) will review the information submitted to decide whether the proposed Special Consideration is appropriate.

If the SEM requires further information to make their decision, we may ask you to submit assessment evidence for the learner. 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 has been granted or declined and how they were implemented. External Moderators may request to see these records during the moderation visit.

**First Year Externally Assessed Qualifications**

For first year externally assessed qualifications (UAL Applied General Diploma in Art and Design), the Quality Assurance and Enhancement (QAE) team will collate and present applications to the Chief Examiner for consideration at the UAL Board of Examiners.

The UAL Board of Examiners will consider each application 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**

**Internally Assessed Qualifications Summative Unit & Second Year Externally Assessed Qualifications**

The SEM will confirm the outcome of the application within 10 working days, and this will enable the final grade decision to be submitted by the results submission deadline.

**First Year Externally Assessed Qualifications**

The QAE team will confirm the outcome within 20 working days of the application being received, and this will enable the final grade decision to be submitted by the results submission deadline.

### 3.6 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 the following grounds:

- The procedures through which the original application was 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 10 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. 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 re-investigation.

The outcome of the appeal will be communicated to you in writing within 20 working days of receipt of the appeal request.
4. 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.
5. Data protection

We are committed to protecting your privacy and being transparent about how your data is processed. We process personal data in accordance with our UAL Awarding Body Transparency Notice, sometimes referred to as a ‘Privacy Notice’. This sets out our data processing practices and your rights and options regarding the ways in which your personal information is used and collected, in line with the General Data Protection Regulation (GDPR).

If you have a query about the way in which we process your data, contact information is provided at the end of the Transparency Notice.
6. Equality

We believe that equality and diversity is integral to our inclusive curriculum, our creative innovation, our global reputation and the richness of UAL Awarding Body. We are committed to addressing inequality and celebrating diversity in order to sustain an accessible and inclusive environment for all learners, centres, governors, visitors, community and commercial partners with whom we engage. For more information about accessibility please review our accessibility statement.
Appendix

Links to regulatory Conditions

As an awarding body recognised by the UK qualifications regulators, we are required to comply with all Conditions of Recognition to ensure the qualifications we offer and award are fit for purpose, valid, accurate and reliable. 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:

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<tr>
<th>Regulatory body</th>
<th>Relevant Condition</th>
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<tbody>
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<tr>
<td>Qualifications Wales</td>
<td>J1 – Interpretation and definitions</td>
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<td>CCEA Regulation</td>
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