



The Test of Competence

Policy on Exceptional Mitigating Circumstances

Introduction

This policy applies to any applicant who is seeking registration with the GCC through the Test of Competence (TOC), that is, applicants for registration who have graduated from an institution which does not have a programme recognised by the GCC.

The purpose of this policy is to give special consideration to applicants who may be disadvantaged in Test of Competence due to circumstances beyond their control, but without affecting the integrity of the assessment.

Related policies

If an applicant is seeking reasonable adjustments to be made to the assessment process because they have a disability, they should refer to our Reasonable Adjustments Policy.

If an applicant believes they have been disadvantaged due to an issue in the conduct of their Test of Competence, they should refer to our Complaints Policy.

What is an 'exceptional mitigating circumstance'?

An 'exceptional mitigating circumstance' (EMC) is something which an applicant could not have been expected to know about or plan for in advance but that may, or has, put them at a disadvantage in regard to their assessment.

It is impossible to provide a definitive list of all exceptional circumstances in which an applicant may find themselves in the lead up to, or during, an examination. Each application under this policy will therefore be considered on a case-by-case basis.

Valid circumstances

Examples of circumstances that may be considered valid under this policy are the applicant has:

- a. had a recent bereavement
- b. had a recent and unexpected temporary illness
- c. had a recent diagnosis of a chronic medical condition
- d. an unexpected illness on the day of the examination
- e. been the recent victim of a crime
- f. suffered an accident or emergency

- g. received an unexpected call to serve on a jury, in the armed services or undertake humanitarian relief.

Invalid circumstances

Circumstances that will not be considered under this policy relate to circumstances that are not exceptional, an applicant could have planned for, or situations which arise through their own negligence or carelessness. Examples of this are:

- a. not having acceptable photographic ID on the day of their assessment
- b. forgetting to bring a copy of their Evidence of Practice Questionnaire to the TOC interview
- c. going to the wrong place or turning up on the wrong day
- d. missing a train, bus or plane
- e. being on holiday on the date of their scheduled TOC
- f. a wedding or other such event is scheduled for the date of their scheduled TOC
- g. normal pregnancy
- h. childcare arrangements
- i. house moves
- j. work commitments
- k. everyday illnesses such as colds and headaches
- l. English is not the first language.

What we can do

The GCC aims to ensure that special consideration is given to applicants who are eligible to apply for an exceptional mitigating circumstance under this policy without compromising the assessment of the TOC. We will seek to provide the most appropriate way for the applicant to recoup their position.

Every application for exceptional mitigating circumstances under this policy will be considered on a case-by-case basis.

Where an application is approved, special consideration may result in, but is not limited to, one or more of the following:

- an extension granted (for example, to a closing date)
- an additional opportunity granted without penalty
- financial recompense (for example, a fee reduction or a fee waiver).

It is important to note that not all the outcomes listed will be reasonable, permissible or practical in particular situations.

When can an application be made?

Exceptional mitigating circumstances can apply to two different stages within the application process for registration through the Test of Competence route:

- in the lead up to the Test of Competence
- in relation to the Test of Competence itself.

In the lead up to a Test of Competence, an applicant may ask for special consideration to be given to exceptional mitigating circumstances so that they can submit their Evidence of Practice Questionnaire after the usual closing date. If the application is approved, a time extension may be granted.

In relation to the Test of Competence, it is possible that something happens immediately prior to, or on, the date of the Test of Competence. In these cases the applicant should inform the person administering the Test on the day that they believe that they have an exceptional mitigating circumstance and are seeking for this to be taken into account.

Applicants who enter the Test of Competence and present themselves for interview by the TOC Assessment Panel are declaring themselves fit to sit.

Following the date of the test, applicants normally have 5 working days from the date of the test to submit their evidence.

Applying for an exceptional mitigating circumstance

Applications must be submitted on the correct form – see Appendix 1 - with the required supporting evidence and within the published timescale.

As it is impossible to know all of the exceptional circumstances in which an applicant may find themselves in the lead up to or during a Test of Competence, it is not possible to provide a definitive list of acceptable evidence. Examples of evidence which may be considered valid are:

- a. medical certificate or letter from a qualified medical professional
- b. death certificate
- c. police report including crime reference number.

Applications for exceptional mitigating circumstances should be submitted at the earliest opportunity in all cases. Specifically:

- where an application relates to a closing date or deadline, the application should be submitted to the GCC before, or on, the closing/deadline date
- where an application relates to the day of the Test of Competence, the application should be submitted to the GCC on the day of the Test or within 5 working days.

Evaluation of applications for exceptional mitigating circumstances

Applications will automatically be rejected (not accepted for consideration) if:

- a. the application is not submitted on the correct form
- b. the application does not have any supporting evidence
- c. the supporting evidence does not meet the criteria
- d. the application is not submitted within the published timescale.

Applications will be evaluated by the Director of Education, Standards and Registration and the Chair of the Education Committee. These two individuals will evaluate the circumstances and the evidence provided and make recommendations to the Registrar on the outcome of the application. Applications will either be approved or not approved and confirmed in writing.

Complaints

If an applicant is not satisfied with the outcome of their application, they have the option to make a complaint under the GCC's Complaints Policy.

Appeals

Once the results of the Test of Competence have been issued, the policy on exceptional mitigating circumstances does not apply. Applications cannot be made retrospectively or outside of the specified timescale.

Under the GCC's Appeals Policy, applicants for registration are eligible to appeal on the grounds that details of exceptional mitigating circumstances were, for justified reasons, not available prior to the issue of examination results (in accordance with the Exceptional Mitigating Circumstances Policy).

Agreed by the Education Committee, 16/09/14

Appendix 1: Form on which to apply for Exceptional Mitigating Circumstances for the Test of Competence

Applicant Name	
Exceptional Mitigating Circumstances are sought for: <i>Please select which applies</i>	i. the date by which the Evidence of Practice Questionnaire should have been submitted ii. the date on which the TOC assessment panel was held.
Relevant date – day, month and year – in this case	
<p>Please explain below the circumstances which you believe should be recognised as exceptional and mitigating by the GCC in relation to the TOC. Make sure you refer to the Exceptional Mitigating Circumstances policy before you do this.</p> <p><i>Maximum word count 500 words</i></p>	
<p>Please describe briefly below the evidence you have attached to support your application for Exceptional Mitigating Circumstances.</p>	
Signature:	
Date:	

