

DIPLOMA IN LEGAL STUDIES

EXTENUATING CIRCUMSTANCES

PROTOCOL

Approved by King's Inns Education Committee: 13 November 2025

1. Purpose

This protocol sets out the principles and procedures by which a learner may make an application claiming extenuating circumstances that significantly affect the learner's ability to meet programme requirements. This protocol applies when extenuating circumstances significantly affect a learner's ability to:

- Attend scheduled classes or complete necessary preparation for work related to the programme;
- Be present for examinations or assessments held on specific dates;
- Submit required continuous assessment tasks by the published deadlines;
- Demonstrate their typical level of performance in examinations or continuous assessments.

Where a learner is significantly affected by extenuating circumstances, the learner may seek to make an application for one or more of the following:

- A leave of absence from the programme;
- Deferral of examination(s) and / or continuous assessment(s);
- Permission to submit continuous assessment work after the published deadline;
- Permission to repeat examinations or continuous assessments, having had the prior attempt disregarded, where learner's typical level of performance in examinations or continuous assessments is affected by extenuating circumstances beyond the learner's reasonable control.

Deferrals of places on the programme are not permitted. Where a learner has been offered and has accepted a place on the programme but has not yet paid the programme fee or taken up their place on the programme, the learner may not apply to defer their place on the programme. In such circumstances the learner may decline to take up their place on the programme and will be entitled to re-apply for a place in a subsequent academic year.

Withdrawal occurs when a learner leaves the programme at any stage following commencement of the programme but before completion of the programme. A learner should only withdraw if they are leaving the programme, with no intention of returning. If a learner withdraws from the programme, they will not be re-admitted to the programme, and no fresh application will be accepted from them.

2. Scope

This protocol only applies to all learners on the Diploma in Legal Studies programme at King's Inns.

3. Definitions

Extenuating circumstances

Extenuating circumstances are serious unforeseen circumstances beyond a learner's reasonable control that significantly affect the learner's ability to satisfy programme requirements. Valid examples include:

- Acute or chronic illness / medical condition
- Mental health crises
- Bereavement
- Serious personal or family emergencies
- Victim of crime or traumatic events.

Invalid examples include:

- Exam stress
- Minor illnesses or minor conditions
- Poor time management
- Transport disruptions
- Holidays or travel arrangements during the programme or assessment period
- Matters entirely within the learner's own control (e.g. misreading the assessment timetable, failing to plan a study schedule, IT problems on the learner's own device)
- English not being the learner's first language.

Note: the above examples of what may or may not be grounds for extenuating circumstances are not definitive and are intended only as a guide. At all times, King's Inns' Education Committee may use its discretion, considering the full circumstances of a particular case.

Assessment

In the context of this document, “assessment” means either an examination or a piece of continuous assessment and covers all types of assessment on the programme.

4. Protocol Statement

King's Inns recognises that serious unforeseen circumstances beyond a learner's reasonable control may significantly affect their ability to meet programme requirements. Learners affected by such circumstances may apply for appropriate consideration, subject to the procedures and evidentiary requirements set out in this protocol.

4.1 Principles applicable to all applications relating to extenuating circumstances

- Learners must follow all King's Inns rules and codes of conduct, including the Education Rules, Assessment Regulations, Student Code of Conduct, Learner Handbook and Codes of Conduct for Assessments.
- Learners are expected to plan and manage their studies responsibly.
- Extenuating circumstances will only be considered if the learner's fees are fully up to date at the time of the application.
- Extenuating circumstances will only be considered if appropriate evidence is provided.
- Evidence must be verifiable written confirmation supporting the application, explaining how the circumstances affected the learner's performance or attendance.
- If the circumstances are sensitive, the evidence provider should describe the effect on the learner while respecting privacy.
- Evidence must be specific to the application, must be contemporaneous and must be submitted in the format required by King's Inns.
- Evidence must be from an appropriate source (e.g. from the treating registered medical practitioner / health professional / psychologist / psychiatrist / counsellor / psychotherapist; from a member of An Garda Síochána; from a solicitor; from a State body, as appropriate).
- Evidence from family or friends is not accepted.
- The application and evidence must be consistent in details; serious discrepancies may lead to rejection.
- King's Inns may verify and request further details. This may include contacting the person or body who provided supporting documentation, with the prior permission of the learner.
- Applications are treated confidentially, sensitively, and fairly.
- Submitting false or misleading information may be a disciplinary offence.

- Where a learner is permitted to take a leave of absence, or to defer an examination or piece of continuous assessment, or repeat an examination or piece of continuous assessment, the learner will be subject to such fees as are set by King's Inns.

4.2 Leave of absence

A leave of absence is defined as an extended period of time away from the programme. This is requested by the learner and the request is considered by the Education Committee. The purpose of a leave of absence is to enable and facilitate a learner to take an approved and specified period of time off before returning and completing the programme.

Where a learner has accepted a place on the programme, has paid the programme fee and taken up their place on the programme, but cannot continue to attend the programme due to extenuating circumstances, the learner may apply for a leave of absence from the programme.

Where a learner applies for a leave of absence, the following principles will apply:

- No leave of absence will be granted in respect of a learner who is the subject of an ongoing or pending disciplinary action.
- The Education Committee, after consulting relevant staff, can approve a leave of absence for up to one academic year, or longer in exceptional cases, subject always to the requirement that all assessments must be completed within five years of the date on which the learner first commenced the programme. The leave of absence period will be included in the maximum time in which a course must be completed in following commencement.
- During the leave of absence, a learner is considered to be “off books”, is not a registered learner on the programme, and cannot access King's Inns services including King's Inns facilities or online services related to the programme. The learner will not be entitled to an active student card.
- Generally, a learner will resume the programme from the point at which they left it the previous year.
- Where a leave of absence is for medical reasons, a learner must supply King's Inns with a certificate from a treating medical professional, which must confirm that the learner is fit to return to study, having regard to the specific demands of the programme.
- Subject to the requirement to demonstrate that the learner is fit to return to study (if applicable) a learner will be automatically registered on the programme at the date on which the learner is due to return from their leave of absence. The learner will be informed of any fees that are to be paid prior to being permitted to be re-registered as a learner on the programme.
- A learner returning from a leave of absence will be required to adhere to all King's Inns rules and codes of conduct, including the Education Rules, Assessment Regulations, Student Code of Conduct, Learner Handbook and Codes of Conduct for Assessments as are in place and applicable at the time at which they return to the programme.

- In order to be eligible to return to the programme, the learner is required to pay all fees due in order complete the relevant academic year.
- Where a learner applies to be permitted to re-commence and re-attend in full an academic year, in circumstances where they have already attended some of that academic year, additional fees will apply up to and including the full fee for the academic year.
- Where a learner wishes to make an application to extend their leave of absence, they must submit a new leave of absence application before the end of their approved period. A second or subsequent application will only be considered in exceptional extenuating circumstances and the second or subsequent leave of absence period will be included in the maximum time in which the programme must be completed following commencement. A second or subsequent leave of absence not normally be granted where the total leave of absence, including the initial period, would exceed two years.
- Where a learner does not return from a leave of absence and has not applied for a further leave of absence period they will be deemed to have withdrawn from the programme. Their registration as a learner on the programme will be cancelled and fees will be forfeited.

4.3 Deferral of examination(s) and / or continuous assessment(s)

Deferral of examination(s) and / or continuous assessment(s) is where a learner postpones their attempt at the relevant examination or continuous assessment. This is requested by the learner and the request is considered by the Education Committee.

Learners are expected to adhere to all programme deadlines. This includes a requirement that learners attend all examinations in each module of the programme on the dates and at the location(s) determined by King's Inns. Each learner must present themselves for the first attempt at the annual examinations in the academic year for which the learner has registered.

All assessments, examinations and repeats must be completed at the first available opportunity and must be completed sequentially, save in exceptional circumstances. However, King's Inns recognises that extenuating circumstances may arise that significantly affect the learner's ability to attend the examinations and continuous assessments or to submit continuous assessments. Where continuous assessment is written or partly written, the written element must be submitted by the deadline determined by King's Inns. Where a continuous assessment is oral or requires attendance either online or in person on a specific date, the learner must attend at the date and time determined by King's Inns.

Where a learner is unable to attempt one or more of the examinations for part 1 or part 2 of the programme, the learner may apply to sit all of the examinations in the next available sitting. In each academic year each assessment will be held twice, at one annual sitting and at one supplemental sitting. King's Inns does not provide special or third sittings of the assessments.

Where a learner applies to defer examinations and / or continuous assessment, the following principles will apply:

- The Education Committee, after consulting relevant staff, can approve a deferral of examinations and / or assessments until the next available sitting. In exceptional extenuating circumstances, the Education Committee may approve a deferral to a later sitting.
- Where the Education Committee approves the deferral of an assessment, the learner will retain the attempt number that the learner was on in respect of that assessment. (For example, if a learner successfully applies to defer all of their annual assessments, in which they were on a first attempt, to the next available sitting of the assessments, then the learner will be on a first attempt in the supplemental sitting in that year.)
- All learners are required to attempt all of the examinations and continuous assessments due for each part of the programme in the same sitting (i.e. each learner will sit all assessments in the annual sitting for that part of the programme). Learners are not permitted to choose to split up their examinations over more than one sitting. This is in the interest of fairness to all learners in the examinations. In general, a deferral of examinations will apply to all outstanding examinations which that learner is due to sit in that part of the programme.
- In exceptional circumstances, a learner who has attempted some of the examinations for that part of the programme and who is prevented due to extenuating circumstances from completing the remainder, may also apply to defer the examinations until the next available sitting.
- Learners may also apply to defer a continuous assessment until the next available sitting of that assessment.
- A learner who is given permission to defer an examination or continuous assessment will be charged a fee to cover any additional expenses incurred, as set by King's Inns in accordance with fee schedule approved by King's Inns.
- Save in exceptional extenuating circumstances, applications to defer examinations or continuous assessments must be submitted to the Registrar no later than 7 days prior to the date of the examination or the deadline for the continuous assessment, as the case may be. In all cases, an application to defer an assessment of any type will not be considered after the examination has taken place or after the deadline for the continuous assessment (including a deadline set by the Registrar pursuant to a request for an extension) has expired.
- Any learner who does not attend an examination or continuous assessment, or who does not submit continuous assessment, as the case may be, and who has not met the deadline to seek a deferral, may lodge an appeal to the Education Appeals Board. The deadlines for applications to the Education Appeals Board are set out on the application form to the Education Appeals Board which will be published on Moodle.

4.4 Permission to submit continuous assessment work after the published deadline

Where continuous assessment is written or partly written, the written element must be submitted by the deadline determined by King's Inns. Continuous assessment submitted after the deadline

fails automatically unless the Registrar extended the deadline. An application for such an extension must be made to the Registrar before the deadline expires.

Where a continuous assessment is oral or requires attendance either online or in person on a specific date, the learner must attend at the date and time determined by King's Inns. However, King's Inns recognises that extenuating circumstances may arise that significantly affect the learner's ability to submit continuous assessment work on time.

Where a learner is unable to submit continuous assessment work on time, the learner may apply for an extension in order to submit that work late.

The following principles will apply:

- The Registrar, upon considering the application for an extension and the supporting documentation supplied by the learner, may, if satisfied that there are extenuating circumstances justifying an extension, grant an extension.
- In making the decision, the Registrar is entitled to consult with relevant staff, including the Academic Coordinator of the programme.
- Save in exceptional extenuating circumstances, in order to be eligible to be considered, the application for an extension must be received by the Registrar no less than 24 hours prior to the deadline for the continuous assessment in question.
- In all cases, applications for extensions of time to submit continuous assessment will not be considered if they are received by the Registrar after the deadline has passed.
- The maximum extension that will be granted by the Registrar is 2 weeks from the published deadline for the continuous assessment. This is because of King's Inns marking deadlines, the schedule for publication of provisional results and feedback to other learners, and is required in order to ensure that viva voce meetings in respect of written continuous assessment (if applicable) can be adhered to.
- Where the Registrar sets an extended deadline for submission of continuous assessment, that extended deadline is personal to the student concerned and is definitive. No further extension will be granted.
- No extension of time can be sought or granted in respect of an oral continuous assessment (e.g. a moot or presentation). This is because oral continuous assessments must be carried out on specific dates and are likely to involve other learners (e.g. in the case of a moot).

4.5 Applications to repeat where the learner's typical level of performance in examinations or continuous assessments is affected by extenuating circumstances beyond the learner's reasonable control

Subject to the right to appeal, the decision of the Board of Examiners on any questions of a learner's performance, including the marks awarded to a learner, is final.

King's Inns recognises that extenuating circumstances may arise that significantly affect the learner's ability to demonstrate their typical level of performance in an assessment.

Where a learner considers themselves to be unable to demonstrate their typical level of performance in an assessment, the learner may apply to the Board of Examiners for permission to repeat examinations or continuous assessments, having had the prior attempt disregarded.

Where a learner applies to repeat under this heading, the following principles will apply:

- The learner's application can relate to one or more assessments.
- The Board of Examiners, upon considering the application and the supporting documentation supplied by the learner in respect of the learner's performance, may, if satisfied that there are extenuating circumstances justifying this, disregard the learner's attempt at the assessments to which the application relates and may offer the learner the opportunity to repeat those assessments, as the same official attempt number.
- A learner may not apply to the Board of Examiners to request that additional marks be awarded as a result of extenuating circumstances affecting that learner's performance in assessments.
- Provided the Board of Examiners considers that the learner's performance was affected by extenuating circumstances, the Board may afford a learner the opportunity to repeat assessments whether or not the learner has passed the assessments.
- Where a learner is given opportunity to repeat assessments as the same attempt number, they may (a) choose not to repeat the assessments and to retain the mark confirmed by the Board of Examiners, which will be based on the assessment(s) as marked or (b) repeat the assessment(s). Where a learner chooses to repeat the assessment(s) in question, the original confirmed marks will be annulled and will be replaced by the new marks awarded to the learner and confirmed at the subsequent meeting of the Board of Examiners, regardless of whether the new marks are higher, lower or the same.
- The application may be made either prior to the learner sitting an examination or taking / submitting a continuous assessment, or afterwards. If the application is made afterwards, it must be submitted within 7 days of the date of the assessment. Save in exceptional extenuating circumstances, an application received more than 7 days after the date of the assessment will not be considered. In all cases, no application relating to performance in an assessment will be considered once results have been published, including provisional results.
- These applications will be considered by the Board of Examiners at their annual or supplemental meetings, as the case may be. They will not be considered outside those meetings.
- Applications will be considered in the first instance by a sub-committee of the Board of Examiners and a summary, in which the learner may not be identified other than by examination number, will be relayed to the main Board of Examiners, along with the recommendation of the sub-committee as to whether extenuating circumstances have been made out. Sensitive personal information will be treated confidentially.
- Any learner who considers that their performance was adversely affected by extenuating circumstances but who does not (a) apply to the Board of Examiners by the deadline and

/ or (b) has received results, whether provisional or final, may not apply for consideration under this process. Such a learner may make an appeal to the Education Appeals Board under the *ad misericordiam* ground.

4.6 Appeals

Decisions made under this protocol may be appealed as follows:

- a. decisions of the Education Committee in respect of a leave of absence may be appealed to the Education Appeals Board
- b. decisions of the Education Committee in respect of deferral of examinations may be appealed to the Education Appeals Board
- c. decisions of the Registrar in respect of applications to submit continuous assessments after the published deadline may be appealed to the Education Committee
- d. decisions of the Board of Examiners in respect of applications to repeat assessments may be appealed to the Education Appeals Board.

5. Data Protection and Privacy

King's Inns is committed to protecting the privacy and personal data of all learners, staff and stakeholders in accordance with the General Data Protection Regulation (GDPR). Comprehensive data protection policies and procedures are in place to ensure compliance with GDPR requirements and are available to staff and learners. Where required, personal data is collected, processed, and stored securely, with access limited to authorised personnel only. King's Inns staff receive data protection training, with a dedicated Data Protection Officer in place to oversee GDPR compliance and address any potential data protection concerns.

6. Roles and Responsibilities

The Registrar of King's Inns is the owner of this protocol, and will, in conjunction with the Education Committee, the School of Law, and with the Senior Management Team (SMT), oversee the implementation of the protocol.

7. Monitoring and Review

The protocol owner is responsible for monitoring and review of the protocol, ensuring that all associated documents are updated and current.

This protocol will be reviewed every 3 years from the date of first approval unless changes are required owing to legal, statutory and / or organisational change.

8. Referenced Policies and Procedures

- Assessment of Learners Policy
- External Examiners Policy
- Education Appeals Board Structure and Procedures
- Data Protection Statement

8. Associated Documents

- Assessment Regulations for the Diploma in Legal Studies programme
- Education Rules
- Student Code of Conduct
- Codes of Conduct for Examinations and Assessments on the Diploma in Legal Studies
- Learner Handbook