MBChB

Mitigating Circumstances
Panel Code of Practice

2015-16
The Mitigating Circumstances Panel is established by the Board of Examiners to consider mitigating circumstances forms submitted by students. Membership of Panels will be determined by Heads of Department and will be drawn from the internal examiners.

The Mitigating Circumstances Panel will consist of the following:

- Chair of the Mitigating Circumstances Panel (who will normally be a clinician with consultant status, but not involved in the assessment process)
- Named Deputy Chair (to ensure consistency and appropriate cover)
- Two or three members drawn from the Panel of Examiners
- One member appointed at the discretion of the Head of the Department. This may be a lay member.
- Secretary to the Mitigating Circumstances Panel, Mrs Beverley Ireland

Mitigating Circumstances Panels will meet prior to Board of Examiners or Panel of Examiners. Mitigating Circumstances Panels will consider cases on the basis of documentary evidence and will operate under delegated powers from the Board of Examiners. The Medical School Mitigating Circumstances Panel will also consider mitigation submitted by students who are appealing course termination. The Medical School Mitigating Circumstance Panel will consider mitigation in the context of the future professional requirements and expectations of medical students. The Panel will take the following into account during their deliberations:

- The nature of the proposed mitigation
- The impact the proposed mitigation may have had on the assessment in question
- The temporal relationship between the proposed mitigation and the assessment
- What actions the student has taken in an attempt to address the problem
- The nature of the proposed mitigation in the context of the professional expectations of a future qualified doctor
Medical students and mitigating circumstances

The Medical School has produced the guidance below to allow the Mitigating Circumstances Panel to review submitted mitigation in the context of medical students’ future working environments and the safety implications for future patients.

Chronic medical conditions

The Medical School accepts that students with a chronic disorder (e.g. diabetes, arthritis, chronic depression) may struggle more than other students during the first year of the course to come to terms with University life including lifestyle, social and academic issues. The Medical School would expect however that, by the start of the second year of the course, a medical student had made the necessary adjustments (with support from the Medical School) that will allow the student to enter the second year of the course without the need to apply for mitigation at the time of examinations.

Dyslexia

No allowance is made for dyslexia or other specific learning difficulties (SpLD) in the NHS workplace. The Medical School will however allow alternative examination arrangements (extra time) during the course and would expect a student with dyslexia to apply for these adjustments. Dyslexia with appropriate examination adjustments is not a reason for mitigation nor is the failure of a student to apply for and use any adjustment awarded. The School has an expectation that as future professionals, medical students will act appropriately in a timely fashion to resolve any continuing impact of the SpLD on their learning e.g. a delay in provision of supportive technologies in good time before a progression decision is made.

Family/ cultural/ background and mitigating circumstances

Some students have not submitted a mitigating circumstance form in the presence of a possible mitigating circumstance and subsequently stated that they did not do so because their family or cultural background has not been to ‘make excuses for failure’. The Medical School will not accept this as a reason for failure to submit a mitigating circumstance form. The reason for this is that a qualified doctor must recognise and respond appropriately if he/she cannot work properly because of illness or other circumstances. This is because failure to do so may impair patient safety. This requirement applies to all doctors regardless of family or cultural background.

Stress caused by studying a disease suffered by a student or a close relative

Throughout their working lives doctors frequently deal with patients with diseases suffered by either the doctor themselves or close relatives. For this reason the Mitigating Circumstances Panel will not grant mitigation on the basis of stress caused by studying a disease suffered by a student or close relative.

Bullying and mitigating circumstances

Students who apply for mitigation because of bullying must have sought help from the student support team and must have adhered to the Medical School anti-bullying policy.

Mitigating Circumstances and Pastoral Support

If the Mitigating Circumstances Panel is concerned about the wellbeing of a student, the secretary to the Mitigating Circumstances Panel will convey these concerns to the Pastoral Support Unit who will investigate whether the student is receiving appropriate support, and
if not invite the student to attend for support. The mitigating circumstances form will be filed in the Student Pastoral Support file.

Mitigating Circumstances Panels will be responsible for determining whether sufficient grounds have been established and for making recommendations to the Board of Examiners on whether mitigation should be applied to the outcomes of specific pieces of students’ assessment. Mitigating Circumstances Panels will do so without evidence of the student’s performance for that particular assessment. The functioning of the Mitigating Circumstances Panel is subject to the Medical School’s Data Protection Policy.

NOTE: The recommendations made by the Panel will take into account the nature of the MB ChB Programme and the expectation that students are required to work as safe future doctors.

Mitigating Circumstances Panels make one of the following recommendations to the Board / Panel of Examiners:

- Mitigation considered and accepted.
- Mitigation considered and not accepted.

Where mitigating circumstances are accepted by a Mitigating Circumstances Panel, Mitigating Circumstances Panels shall not make a judgement about the extent to which accepted mitigating circumstances have affected a student’s performance; marks will not be adjusted and there will be no tariff.

At the Board of Examiners meeting for the relevant assessment, the Board will only consider the report from the Mitigating Circumstances Committee in respect of those students who have failed the assessment. In the case of those students whose mitigation has been considered and not accepted, the Board will make its progress decisions in the usual way. In the case of students whose mitigation has been considered and accepted, the Board will take into account the fact that mitigation has been accepted and this may affect the student’s progress decision providing that the decision falls within the University regulations for the MBChB programme.

The examination marks and progress decisions released following the meeting of the Board of Examiners should clearly identify results where mitigation has been considered and applied.

Boards of Examiners will accept the recommendations of Mitigating Circumstances Panels but will not be expected to receive evidence. Boards of Examiners will determine the outcome of an assessment for an individual student in the light of the Mitigating Circumstances Panel’s recommendation.

NOTE: Mitigation will not affect marks, grades or whether or not a student passes an assessment or examination. It cannot permit a student to progress into a subsequent year (or to graduate) if the examination performance would otherwise prevent this. Mitigation only affects how the School deals with a student who has failed an assessment. If the Panel agrees that mitigating circumstances should be accepted as affecting a Resit
assessment/examination it will ask the Board of Examiners to take this into account when it makes a decision.