Mitigating Circumstances Guide

MBChB
Mitigating Circumstances Guide

2014
The University recognises that students may suffer from an illness or other serious and unforeseen event or set of circumstances which may mean that they cannot attend an assessment or if they do attend the assessment that their performance may be suboptimal. In such cases the mitigating circumstances regulations and procedures may be applied. These regulations are designed to ensure the fair and consistent treatment of all students.

The regulations on mitigating circumstances procedures are part of Senate Regulation 7: Regulations governing the assessment of taught programmes and can be found in the Senate Regulations.

The University guidance applies to medical students. There are some additional points that are specific to the MBChB programme and these are outlined below. Mitigating circumstances will apply for all summative assessments in relation to the MBChB programme.

What is a mitigating circumstance?

The University defines mitigating circumstances as follows. A mitigating circumstance is a serious or significant event which is unforeseen and unpreventable and could have significantly impaired the academic performance of a student in one or more assessed activities, possibly over a period of time. Mitigating circumstances may include medical matters or events directly affecting someone other than the student.

Examples of mitigating circumstances may include:

- significant physical or psychological illness
- severe personal difficulties
- serious illness or death of a member of your immediate family (e.g. mother, father, sister, brother, spouse, son, daughter)
- sudden deterioration in a long standing medical condition or disability
- being the victim of a serious crime
- legal proceedings requiring attendance at court.

The following would not normally be accepted as mitigating circumstances:

- failure to read the examination timetable or coursework deadline properly
- pressure of work
- failure to save work properly
- minor illnesses or self-induced conditions (colds, hangovers etc.)
- religious festivals
- domestic or personal disruptions which may have been anticipated (e.g. moving house, holidays etc.)
- sporting fixtures

### 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 that 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 Medical 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.

#### 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

The mitigating circumstances panel will pass on to the Pastoral Support team all mitigation applied for on the basis of health problems. The Pastoral support team will check that the student is receiving appropriate support and if not invite the student to attend for support. The mitigating circumstances form may be filed in the Student Pastoral Support file.
Evidence of mitigating circumstances

Students must submit the appropriate mitigating circumstances form and supply the department with supporting documentation from an appropriate third-party as evidence of the mitigating circumstance.

The evidence must explain:
(1) what the circumstance is;
(2) exactly how it affected you in relation to your studies/assessment;
(3) precisely when (i.e. identifying which assessments were affected);
(4) what action the student has taken in an attempt to address the problem (e.g. interaction with Personal Tutor or Pastoral Support).

The student is responsible for obtaining the appropriate documentary evidence and ensuring that it is submitted on time. The University will not seek documentary evidence on the student’s behalf. The evidence submitted in relation to any mitigating circumstances claim must be in English. It is the responsibility of the student to obtain and submit a verified translation if the original evidence is in another language. The examples below are indicative.

<table>
<thead>
<tr>
<th>Examples of evidence of mitigating circumstances</th>
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<tbody>
<tr>
<td>Serious physical illness</td>
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<tr>
<td>Psychological illness</td>
</tr>
<tr>
<td>Severe personal difficulties</td>
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<tr>
<td>Serious illness or death of an immediate family member or close friend</td>
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<td>Legal proceedings requiring attendance at court</td>
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In addition to the above evidence, the student will be required to submit a personal tutor report or Pastoral Support report confirming the actions that the student has taken to resolve the problem.
SUBMISSION OF MITIGATING CIRCUMSTANCE

Students are responsible for ensuring that the Department of Medical and Social Care Education is notified of any mitigating circumstances and for supplying supporting documentation.

A Mitigating Circumstances form with relevant documentary evidence must be submitted in advance of the Mitigating Circumstances Panel and Boards of Examiner meeting related to that particular assessment. A mitigating circumstance form may be submitted during the 5 working days prior to the start of the examination. Where the examination consists of both a written and a clinical (OSCE) element the deadline for submission is during the 5 days prior to the first of the series of examinations. Students who submit a mitigating circumstances form during the 5 days prior to an assessment should also complete a Pastoral Care or Personal Tutor summary form.

If a student is unable to attend an assessment because of mitigating circumstances they must submit a mitigating circumstances form to the secretary of the Mitigating Circumstances Panel within 5 working days of completion of the assessment to which it relates. The University reserves the right to verify the authenticity of any evidence submitted. Similarly, in the case of students who feel that their exam performance may have been adversely affected by an event occurring in the last 2 working days prior to an assessment or during the assessment itself, a mitigating circumstances form should be submitted within 5 working days of the completion of the assessment to which it relates. In the case of a sudden adverse event that occurs in the 2 working days prior to an assessment or during the assessment itself it is accepted it may not be possible to submit a Personal Tutor or Pastoral Care summary form.

Failure to divulge information and provide evidence at the appropriate time or the inability of the University to verify documentary evidence may mean that a Board of Examiners has insufficient information to accept mitigating circumstances.

MITIGATING CIRCUMSTANCES FORM

The Mitigating Circumstances form for medical students is published on the Medical School website and on Blackboard.

The Mitigating Circumstances form must be submitted to Ms Beverley Ireland (bi6@le.ac.uk), the Secretary to the Mitigating Circumstances Panel.

MITIGATING CIRCUMSTANCES PANEL

The Boards of Examiners will establish a Mitigating Circumstances Panel to consider submissions. 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 a member of the Medical School Assessment team)

• 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

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.

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.

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.

Departments shall keep a formal record of the discussions and recommendations of Mitigating Circumstances Panels.

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 an assessment/examination it will ask the Board of Examiners to take this into account when it makes a decision.

Help with mitigating circumstances
Help and support is provided on a number of levels within the Medical School. Students in Phase 1 of the course will have a Personal Tutor who will be familiar with the mitigating circumstances process. In addition, students who are unsure about the mitigating circumstances process can arrange to meet with a member of the Pastoral Support Team. However the responsibility for completing the form lies with the student.

If the student has experienced significant problems or difficulties in the run-up to the examination it would normally be expected that the student will have met with staff from the Pastoral Support Unit. Many students experience difficulties and with appropriate support, progress and do well. The Medical School expects students to make use of appropriate support structures and to take responsibility for their own health and welfare.

- if your circumstances mean you might need time away from study your Personal Tutor/ Pastoral Support Unit will be able to advise you whether a formal suspension of studies is a possibility. The Medical School has published separate guidance on “Suspension of Studies” and these should be consulted.
- if you have or suspect you have a learning difficulty (e.g. dyslexia) your personal tutor/department can refer you to the AccessAbility Centre;
- if you are experiencing financial difficulties your personal tutor/department can direct you to Student Welfare Services.

Your primary contact for support in your department is your Personal Tutor. If for some reason you don’t feel comfortable discussing your particular mitigating circumstance with your personal tutor don’t worry; approach another member of staff in your department instead.

For students in Phase 2 of the course, clinical teachers may have less experience with University regulations. However, many will gladly help. Students are welcome to contact the Pastoral Support Unit and other staff within the Medical School.

The Education Unit in the Students’ Union will be able to provide help as you fill in the form. They can be contacted in the Percy Gee Building; or by telephone on 0116 223 1132; or by email at educationunit@le.ac.uk.