



MBChB

Mitigating Circumstances

Guide

2017-18

HEALTH AND OTHER MITIGATING CIRCUMSTANCES – DEPARTMENTAL & STUDENT GUIDE

The University recognises that students may suffer from a serious or significant event affecting their health or personal life which is beyond their control and which is serious enough to result in the student being unable to attend, complete or submit an assessment on time. In such cases the mitigating circumstances regulations and policy may be applied. These regulations and associated policy 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](#), specifically, the regulations covered in sections 7.91 to 7.117. These set out the University's policy and responsibilities in respect of:

- Defining a mitigating circumstance and the criteria for submission of a claim
- The criteria by which a student should judge themselves as being suitably able to submit or attend an assessment
- Maintaining a single solution for the submission, receipt, review and notification of a claim
- Having appropriately trained staff with access to all required information making decisions on claims
- Consistent application of recommendations and outcomes in line with Senate regulations
- Application of regulations consistently and fairly across all cohorts of students of the University at a Department and/or College level.

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 considers a mitigating circumstance to be a recognisably serious or significant event affecting a student's health or personal life which is beyond the student's control. The events are sufficiently serious in nature to result in the student being unable to attend, complete, or submit an assessment on time.

A student who submitted or attended an assessment on time cannot claim mitigating circumstances on the basis that their standard of performance in the assessment may have been affected unless they submit evidence that their judgement was affected in reaching the decision on whether to attend or submit.

Any student who does not present a mitigating circumstance claim within the given deadlines as cannot subsequently submit mitigating circumstances after the assessment results are known.

A student who believes their judgement was impaired in making the decision to attend or submit an assessment may submit a claim retrospectively after attending or submitting the assessment. The claim must include adequate evidence to support impaired judgement at the time of the assessment or submission: for example, evidence of a medical condition that prevented the student from making a balanced decision immediately before an assessment where the student was not being supported through other services in advance of the assessment.

Examples of mitigating circumstances may include:

- Serious illness or accident resulting in hospitalisation or medical emergency relating to yourself
- serious illness or death of a member of your immediate family (e.g. mother, father, sister, brother, spouse, son, daughter, grandparent, guardian)
- serious infectious disease that could put others at risk
- sudden deterioration in a chronic medical condition or disability*
- childbirth or pregnancy complications that result in hospitalisation (note the University's policy on student pregnancy: <http://www2.le.ac.uk/offices/sas2/quality/policy-on-student-pregnancy-maternity-paternity-and-adoption>)
- diagnosed psychological illness
- legal proceedings requiring attendance at course as a witness or jury service
- severe adverse personal/family difficulties, such as separation from spouse/partner, conflict with others, caring duties that cannot be done by anyone else.
- being the victim of a serious crime

* A diagnosed condition normally support through reasonable adjustment or learning support that flares up unexpectedly close to the assessment and the reasonable adjustments are not sufficient to make it possible to attempt the assessment; or, a previously undiagnosed/recently diagnosed condition that adjustments have not yet been put in place to make it possible to undertake the assessment.

The following would **not** normally be accepted as mitigating circumstances:

- Medical circumstances that:
 - i. Do not relate directly to the assessment period in question and/or cannot be attributed as having an impact on the assessment
 - ii. Relate to minor absences that would not lead to equivalent absence from a work environment and can normally be treated with over the counter remedies
 - iii. Are unsubstantiated or include retrospective evidence (e.g. doctor's note after the illness has disappeared)
- Holidays/family events
- Religious festivals and regular observance
- Sporting fixtures
- Financial issues
- Foreseeable and/or preventable circumstances
- A long-term condition where treatment or additional support/arrangements are in place to mitigate
- Transport difficulties that could have been anticipated or lack of contingency planning into travel time
- Being reluctant to disclose circumstances at the time
- Poor time management or personal organisation
- Criminal conviction
- Missing examinations or assessment deadlines due to misreading of timetables or oversleeping
- Loss of computer data/printer problems
- Submitting the wrong work for assessment or a draft version of the work
- Examination stress: this is a common experience and not normally considered a personal mitigating circumstance as some level of sleep disturbance or feeling nauseous can be usual

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 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

The Medical School will 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.

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 University does not accept this as a reason for failure to submit a mitigating circumstance form and neither does the Medical School. 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: 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

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.

Submitting a Claim

The following criteria will be applied to claims for mitigating circumstances, only assessments affected in one of the following ways will be considered. At the point of submitting a claim all students will need to declare which criterion is applicable for the affected assessments.

- a. **Assessment will be submitted late**, but falls within the late submission of coursework penalty scheme (10 working days for undergraduate modules), anything submitted after these dates is assumed to be a non-submission and will be considered under criterion d below.
- b. **Absence from a scheduled assessment** such as an examination, class test, lab work or presentation;
- c. **Taken ill during a scheduled assessment**, such as examination or presentation
- d. **Non-submission of an assessment**
- e. Assessment attended or submitted on time but the student can provide medical evidence to support that they **were incapable of determining whether or not they were able to undertake the assessment at the time of doing so.**

If one of the above criteria is relevant then the claim should demonstrate it meets these additional criteria:

- ✓ **Beyond the control of the student:** the student must demonstrate they could not have done anything to prevent the circumstances arising, that they were unforeseen and unpreventable.
- ✓ **Impact on assessment:** the claim must demonstrate a significant negative impact on the student's ability to submit/attend or complete an assessment by the deadline. It must make clear the duration of the circumstances and have the appropriate documentary evidence to support this claim.
- ✓ **Have timely relevance:** typically the circumstance must have occurred on the day the assessment was due to be submitted or attended, or the week leading up to it. Where the serious or significant event falls before this time the student should be able to demonstrate that the impact it had can be linked to the assessment being claimed for.

The submission of a mitigating circumstance claim indicates that the student believes they are not in a position to complete the assessment by the given deadline: **should the request be approved the student should no longer attempt the assessment**, and instead an alternative deadline will normally be set.

If the assessment is attempted or submitted after the mitigating circumstance request has been approved and the student informed, then the mitigating circumstance claim will no longer be valid and the assessment outcome will be final. No additional mitigating request can be submitted against the assessment.

Where the assessment has been attempted on time before a decision has been communicated to the student then the mitigating circumstance request will take precedence and if accepted any attempt will be null and void and the student will be given a time in which to take the assessment again.

All claims should be submitted online, by the student, using the online submission tool in MyStudentRecord.

Deadline for submission of claim

Applications should be submitted (with relevant supporting documentation) seven calendar days before the relevant assessment, to allow time for a decision to be made so that the student knows whether or not they should attend for the assessment. Claims for mitigation will be accepted up to seven calendar days after the assessment date. Later claims will only be considered in exceptional cases where there is clear evidence supporting the reason for late submission.

Claims submitted after the results have been released will not be permitted.

Evidence of mitigating circumstances

Students must supply the Medical School with supporting documentation from an appropriate third-party as evidence of the mitigating circumstance. If a student is unable to provide evidence during the claim period, then the claim does not have to be considered. In exceptional cases, and where there are justifiable reasons for doing so, a revised deadline for receipt of supporting evidence can be set by the School's Mitigating Circumstances Expert, and the student notified.

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 while adhering to the deadlines laid out above.

Deterioration of a declared long-term condition: where there is a marked deterioration in a pre-existing condition which a student believes will have an impact on the completion of an assessment, the student should submit a mitigating circumstances claim. In cases where the condition is declared and where AccessAbility are aware of the nature and details of the exacerbation it will not be necessary to provide additional supporting evidence. In all other cases evidence will be required.

Examples of evidence of mitigating circumstances	
Serious illness or accident resulting in hospitalisation or medical emergency relating to yourself	Medical certificate/hospital report/report from qualified medical practitioner. These should be signed whilst the symptoms were still apparent to the medical practitioner. Must be a confirmed diagnosis and be specific about the nature of the illness. Letter stating that you informed them you were unwell will not be accepted.
Serious illness or death of a member of your immediate family	A medical report from a qualified medical practitioner or a copy of a death certificate, coroner's report, letter from medical professional. Accompanied, if necessary, by formal documentation confirming relationship with deceased.
Serious infectious disease	That needs medical attention and would easily transmit to others. Medical certificate/hospital report/report from qualified medical practitioner. These should be signed whilst the symptoms were still apparent to the medical practitioner.
Sudden deterioration in a chronic medical condition or disability	A medical report from an appropriate qualified medical practitioner or notification from AccessAbility
Childbirth or pregnancy complications that result in hospitalisation	Medical certificate/hospital report/report from qualified medical practitioner. These should be signed whilst the symptoms were still apparent to the medical practitioner.
Diagnosed psychological illness	Only late diagnosis or an unexpected flare up that was out of the student's control to anticipate can be claimed as a mitigating circumstance. Report from a psychiatrist, psychologists, medical practitioner or Student Counselling Service.
Legal proceedings requiring attendance at court	Documentary evidence from the court or a solicitor
Severe adverse personal/family difficulties	Report from Student Counselling Service, Student Welfare Service or another qualified professional.

Victim of a serious crime	Crime report and number, or evidence from alternative reporting routes as appropriate. Letter from medical professional/counsellor.
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In addition to the above evidence, the student may be required, where appropriate, to submit a Pastoral Support report confirming the actions that the student has taken to resolve the problem.

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.

Assessment of Claim

Claims will be considered by the Medical School's Mitigating Circumstances Expert in the first instance to determine whether the claim meets the relevant conditions and can therefore be considered. If it does, the claim will be considered by the Medical School's Mitigating Circumstances Panel, members of which have detailed knowledge of the regulations, policy and process and access to a precedence database to support consistency of decision making.

The Mitigating Circumstances Panel will consist of the following:

- Chair (who will normally be a clinician with consultant status but not a member of the Medical School Assessment Team)
- Deputy Chair
- Two members drawn from the Panel of Examiners
- One member appointed at the discretion of the Head of the Medical School
- Secretary to the Panel (the Mitigating Circumstances Panel)

The Panel will meet six days before the relevant Examinations to consider applications submitted in advance and again after the relevant Examinations but before the Panel or Board of Examiners. Where possible this will be after the seven calendar days which students have to submit their mitigation post-Examination but this may not always be possible if the Panel is to meet before the relevant Panel or Board of Examiners.

The Mitigating Circumstance Panel can make one of the following recommendations to the Board of Examiners:

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

NOTE: Recommendations made by the Mitigating Circumstances Panel will take into account the nature of the MBChB Programme and the expectation that students are required to work as safe future doctors.

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

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.

Questions concerning the mitigating circumstances process can be directed to MedMitCircs@le.ac.uk.

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.

