



THE UNIVERSITY OF  
BUCKINGHAM

MEDICAL SCHOOL

**MB ChB**

# **Code of Practice for the Mitigating Circumstances Group**

## 1 Introduction

As a Medical School we are responsible for giving our students opportunities to learn, understand and practise the standards expected of them. We must support them and encourage them to follow the outcomes described by the General Medical Council (GMC) in *Achieving Good Medical Practice: Guidance for medical students*, that outlines the standards of professional behaviour expected of them. Our students should become excellent professionals, and professionalism training is therefore part of their ongoing education and training. The Mitigating Circumstances Group is here to support the most committed of medical students if they are encountering difficult and challenging times in their health, emotional or personal circumstances. Mitigating Circumstances will apply and most benefit those who are seeking to resolve these issues with the full support of the School whilst concentrating on their studies.

Membership

Lay representative (Chair)

Student Support Lead or representative

One medically qualified person, not involved in assessment (two clinicians will be identified).

Administrative support

**Note:** the Lay representative will not be a member of the Concerns Group or Board of Examiners.

The Mitigating Circumstances Group must meet before each meeting of the Board of Examiners that makes decisions about student progression and may meet before other meetings of the Board, though in those cases a formal report will not be made to the Board.

1. Consider cases on the basis of documentary evidence and will operate under delegated powers from the Board of Examiners and the Code of Practice for Assessment for the MB ChB programme.
2. 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.

The Mitigating Circumstances Group will do so without evidence of the student's performance for that particular assessment. **Note: Recommendations made by the Group will take into account the nature of the MB ChB Programme and the expectation that students are required to work under the regulations specified in Outcomes for Graduates (2016).** The Medical School shall keep a formal record of the discussions and recommendations of the Mitigating Circumstances Group.

## 2 Referral

The Mitigating Circumstances Group will make one of the following recommendations to the Board of Examiners:

- Mitigation considered and accepted
- Mitigation considered and not accepted

Where mitigating circumstances are accepted by the Mitigating Circumstances Group, they shall not make a judgement about the extent to which accepted mitigating circumstances have affected a student's performance and marks will never be adjusted. At the Board of Examiners meeting for the relevant assessment, the Board will only consider the report from the Mitigating Circumstances Group 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 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 the decision falls within the Regulations for the MB ChB 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. The Board of Examiners will accept the recommendations of the Mitigating Circumstances Group. The Board of Examiners will determine the outcome of an assessment for an individual student in the light of the Mitigating Circumstances Group's recommendation.

**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 Medical 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 making a decision.**

### *3 Conduct of the Group*

The Mitigating Circumstances Group must meet before each meeting of the Board of Examiners that makes decisions about student progression and may meet before other meetings of the Board, though in those cases a formal report will not be made to the Board. Students must submit evidence of mitigating circumstances before the start time of any assessment. In the case of events happening at or very close to the time of the assessment, immediately afterwards, and **in all cases at least 24 hours before the published time** of the Mitigating Circumstances Group. The Mitigating Circumstances Group may meet by teleconference or virtually by email if appropriate.

The Group must consider the evidence provided by the student together with any previous mitigation offered, and any record held by the Concerns Group and makes a decision whether the mitigation should in this case be accepted or rejected.

Each case will be treated as an individual judgement of individual circumstances, in accordance with the following general principles.

- Any disability for which reasonable adjustments have been made cannot be considered as mitigation.
- A student who presents themselves for an examination is declaring themselves fit to take that examination. The result of an assessment stands if a student becomes unwell during any part of an examination unless it can be shown that the student could not reasonably have foreseen that acute illness.
- Acute illness affecting preparation for any assessment will only be accepted as mitigation if verified by a certificate from the student's GP. The Medical School reserves the right to seek a further medical opinion if it is felt necessary. Medical certificates from any relative of a student are not acceptable.

- If a student has failed previously to report a chronic illness to the Occupational Health service then it cannot be offered in Mitigation.
- If appropriate support has been put in place for chronic illness then that illness can only be accepted as mitigation in the case of a medically verified acute exacerbation at, or immediately before, the time of assessment.
- Circumstances during an assessment can only be considered as mitigation if they affect that student particularly. Circumstances affecting groups of students or all students will be considered by the Board of Examiners, who will decide on how grades are to be awarded in these cases.
- Personal circumstances affecting study and preparation for assessments must be supported by appropriate written evidence.
- If personal circumstances have been affecting study for more than two weeks and a student has not sought support through Student Support, then they may not normally be offered in mitigation however sensitive the student may perceive them to be.
- Students who have been supported through the Concerns process may not offer as mitigation any issue which they have previously claimed resolved following the implementation of an action plan.
- Following all of the principles above, the aim of the Mitigating Circumstances Group is to take account of genuine mitigation and make recommendations that will allow the student an opportunity to recover their position.

Should the Mitigating Circumstances Group recommend that the mitigation is accepted, the Board of Examiners has the option to offer a repeat period of study to a student whose course would otherwise be recommended for termination on the grounds of failure at examination.

For the avoidance of doubt:

- Mitigation can **never change the grade obtained by a student** which must stand, all it can change is the consequences of obtaining that grade.
- The most favourable option open to the Board of Examiners in the case if mitigation being accepted is to offer a repeat period of study to a student whose course would otherwise be recommended for termination.
- If a student has already repeated any part of the course, the Board of examiners will only grant another repeat period in the most exceptional circumstances.

#### *4 Appeals*

Any student whose course is recommended for termination may appeal to a panel external to the Medical School and should be advised to seek the appropriate guidance in relation to any appeal. Further details of the Appeals process can be found in the MB ChB Code of Practice for Assessment. All appeals should be directed to the MB ChB Quality Team [med-quality@buckingham.ac.uk](mailto:med-quality@buckingham.ac.uk)

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