

Joint Surgical Colleges Fellowship Examination

MITIGATING CIRCUMSTANCES POLICY

A clear distinction is drawn between:

- Appeals
- Complaints (relating to adverse incidents in an examination contrary to regulations or standards which did not affect a candidate's result)
- Requests for considerations of Mitigating (extenuating) Circumstances beyond a candidate's control (family illness, transport issues etc)
- Requests for Reasonable Adjustments

JSCFE has a separate mechanism for each of these. Invocation of any of the above will trigger an equality and diversity impact assessment. Collated reports indicating number, theme, out-come and E&D impact are discussed as a standing item at the JSCFE Internal Quality Assurance Committee, which meets twice a year.

Principles of the Mitigating Circumstances Policy:

1. Determine whether the time frame between the examination and the application for consideration of mitigating circumstances is proportionate to the subject of the claim. The JSCFE would expect claims to usually be submitted no later than two working days after the date of the examination.
2. Determine if the circumstances detailed in the request fit the policy.
3. If the circumstances do not fit the policy the claim will be rejected.
4. If the circumstances fit the policy the Board Chair and JSCFE IQA Chair will formally consider the claim.
5. If the claim of Mitigating Circumstances is accepted then the attempt at the examination will be nullified (where applicable) and a further attempt will be offered with no charge.

The JSCFE would expect claims of Mitigating Circumstances to usually be submitted no later than two working days after the date of the examination. The circumstances must be submitted by email (enquiries@jscfe.co.uk) using the JSCFE Mitigating Circumstances Submission Form. The JSCFE would normally expect a candidate who believed that their performance was likely to be affected by mitigating circumstances arising before an assessment to withdraw from that sitting and re-sit at a later date. Candidates presenting for either Section 1 or Section 2 will be deemed fit to take the assessment and presentation at the assessment is a declaration to that effect.

If a circumstance is likely to have affected performance in an examination the JSCFE would expect there to be contemporaneous documentation of discussions with the educational supervisor/employer about fitness for work.

Candidates should note that most practitioners suffer adverse personal circumstances at one time or another during their working lives and it is part of demonstrating fitness to practice when an individual makes an assessment about how much an event might have affected their performance.

The General Medical Council's guidance 'Good Medical Practice and Duties of a Doctor' covers presenting for work, educational activities and training (including implicitly attendance at postgraduate medical examinations) and fitness to practice is implicit in the guidance. Doctors are expected to recognise and work within the limits of their competence.

The following are examples of possible mitigating circumstances and the supporting documentation required in order for them to be considered by the JSCFE.

1. Exceptional personal circumstances which might have led to underperformance in an examination e.g. bereavement or immediate family illness. These events do not usually occur on the day of the examination, but within a short period beforehand. In most circumstances the candidate would be expected to have withdrawn. Therefore only in exceptional circumstances would the request be considered and there would need to be documented evidence. Copies of death certificates and travel documents confirming travel which had disrupted preparation may also be required.

2. Acute personal illness that was not severe enough at the time of the examination to make the candidate withdraw but which in retrospect could have had a serious adverse effect on performance.

In these instances confirmation by a medical attendant will be required. Occasionally if the condition is one that might affect performance but which does not preclude normal attendance at work, additional evidence may be required and requested.

Confidentiality

All Mitigating Circumstances information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

Responsibility

Overall responsibility for this policy and its implementation lies with the JSCFE.

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