

# Joint Surgical Colleges Fellowship Examination

## MITIGATING CIRCUMSTANCES POLICY

A clear distinction is drawn between:

- Appeals (this is pertaining to a single diet of the examination when the outcome is disputed)
- Complaints (relating to adverse incidents in an examination contrary to regulations or standards)
- Requests for consideration of Mitigating Circumstances beyond a candidate's control (serious, unforeseen and unpredictable that significantly affects a candidate's performance)
- Requests for Reasonable Adjustments

The appellant's marks/result will not be altered.

The JCIE has a separate mechanism for each of these. Material alterations to any of the above Policies will trigger an equality and diversity impact assessment. Collated reports indicating number, theme, outcome and E&D impact are discussed as a standing item at the biannual JCIE Internal Quality Assurance Committee. This Policy can also apply to withdrawal from the examination after the closing date.

### 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 JCIE 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 this 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 JCIE 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 JCIE would expect claims of Mitigating Circumstances to 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](mailto:enquiries@jscfe.co.uk)) using the JSCFE Mitigating Circumstances Submission Form. The JCIE 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 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 JCIE 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.

**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 JCIE.