

Mitigating Circumstances

Policy Taught Students

This Policy must be read in conjunction with the *Taught Degree Regulations*.

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1. Introduction

- 1.1 This policy provides students and staff with guidance on what to do when students experience **unexpected non-academic events** (mitigating circumstances) which have a significant impact on their ability to prepare for or take assessments. The policy applies only to summative assessments as these contribute to the final marks for modules and awards. The School operates an evidence-based approach to ensure that all claims are dealt with fairly, equally and transparently so that no student is advantaged or disadvantaged by the policy.
- 1.2 This policy applies across SOAS to all students taking taught undergraduate or postgraduate modules, including taught modules taken by MPhil/PhD students, intercollegiate, study abroad and Associate students. There are separate provisions for the consideration of mitigating circumstances affecting other aspects relating to MPhil/PhD students such as thesis submission or performance in a viva as set out in the [Mitigating Circumstances Policy for MPhil/PhD Students](#).
- 1.3 Mitigating circumstances (MCs) may occur at any time and affect any form of assessment including coursework, continuous assessment, class tests, examinations and dissertations. These circumstances come under the remit of this policy when they:
- **Non-attempt:** Prevent a student from sitting an examination/assessment or submitting a piece of coursework
 - **Late Submission:** Prevent a student from submitting coursework, Independent Study Projects or Postgraduate Dissertations by the deadline
 - **Performance affected:** Seriously impact on a student's performance in an assessment or ability to prepare for an assessment in the period immediately leading up to the assessment
- 1.4 If a student believes that they are unlikely to perform to the best of their ability in an assessment due to mitigating circumstances, they are strongly advised not to take the assessment and submit a mitigating circumstances claim. **Claims must not be submitted as insurance against poor performance in an assessment.** By submitting a claim for mitigating circumstances the student is confirming that their circumstances are severe and have impacted on their assessment. Submitting false claims or evidence is a serious matter and will be dealt with under the School's disciplinary procedures.
- 1.5 Non-finalist undergraduate students who are affected by mitigating circumstances in **the late summer assessment period** may be unable to progress to the next year of study even if their mitigating circumstances are accepted. These students may be required to interrupt their studies in the following year to complete any outstanding assessments.
- 1.6 It is each student's personal responsibility to report mitigating circumstances promptly and in accordance with this policy.
- 1.7 Abbreviations used in this policy are as follows: MCs = Mitigating Circumstances
MCAP = Mitigating Circumstances Appeals Panel

2. What Are Mitigating Circumstances?

- 2.1 Mitigating circumstances are **exceptional, short-term, unforeseen** and **unpreventable** events which have a negative impact on a student's ability to take or submit assessments or prepare for assessments. They are over and above the course of everyday life and significantly disrupt a student's ability to study for or to complete assessments.
- 2.2 Mitigating circumstances relate to **non-academic problems only**. Any difficulties with the organisation or operation of programmes of study should be dealt with via the [Student Complaints Procedure](#).
- 2.3 Mitigating circumstances must also be **contemporaneous**, i.e. occur at the time of the assessment or in the period immediately leading up to the assessment. If a student was unwell for two weeks at the beginning of term, this would not normally be expected to impact on assessment later in the year unless that student can demonstrate valid reasons to support this.
- 2.4 The policy allows for a student to apply for either an extension or deferral in advance of the assessment or mitigation and they are defined as follows:
- "Extension" means a student's coursework assessment deadline is extended beyond the assessment's original deadline. Extensions may only be agreed before the assessments original deadline.
 - "Deferral" means a student's exam attempt is transferred to the next available date. Normally, a deferral may be agreed only before the start of assessment period or sitting
 - "Mitigation" means either voiding an assessment attempt or removing the penalty for late submission. Normally, a student may apply for mitigation only after the time for submitting the assessment attempt.
- 2.5 Further information on acceptable mitigating circumstances and the evidence that is required can be found in [Appendix A](#).
Acceptable mitigating circumstances include:
- (a) Illness or Injury
 - (b) Bereavement
 - (c) Personal problems/trauma/family crisis
 - (d) Court attendance
 - (e) Victim of crime
 - (f) Exceptional financial or accommodation problems
 - (g) School IT problems
 - (h) Exceptional work commitment (part-time students only)
 - (i) Other serious circumstances deemed acceptable
- 2.6 **Unacceptable** mitigating circumstances include:
- (a) Minor ailments (e.g. coughs, colds etc.) even if supported by medical evidence
 - (b) Circumstances which do not relate to the assessment period in question
 - (c) Minor computer problems including failure to save documents appropriately
 - (d) Poor time management (e.g. pressure of work, conflicting assessment deadlines, unavailability of books etc.)
 - (e) Misreading the examination timetable or submitting the wrong assignment in error
 - (f) Assessments or examinations scheduled close together
 - (g) Transport difficulties such as strikes, delayed trains or traffic jams

- (h) Holidays/domestic events (e.g. moving to a new house, attending a wedding)
- (i) Routine work commitments
- (j) Sports activities
- (k) Death of a pet
- (l) Other circumstances deemed unacceptable

2.7 The submission of a claim for mitigating circumstances does not mean that the claim will be automatically accepted. The assessors will take into account the following factors:

- The circumstances meet the criteria for acceptable mitigating circumstances
- The proximity of the events covered by the claim to the timing of the relevant assessment(s)
- The suitability and validity of the evidence submitted

2.8 Equally, the acceptance of mitigating circumstances does not necessarily mean that a Sub-Board of Examiners will take action as a result of the MCs. It may be considered that in light of the student's assessment results the impact of the mitigating circumstances does not warrant further action.

3. Long-term Conditions/Pregnancy/Disabilities

3.1 Long-term health conditions (including pregnancy) and/or disabilities are not in themselves considered a basis for mitigating circumstances. However, students with long term conditions and/or disabilities are eligible to submit mitigating circumstances claims if they experience a serious unforeseen effect of their condition or if they experience mitigating circumstances based on factors not connected with their condition.

3.2 A student who is affected by serious on-going circumstances (medical or personal) that seem unlikely to be resolved within a reasonable time may be advised and encouraged to:

- to visit the Student Advice and Wellbeing team to arrange a support and reasonable adjustments for a specific learning requirements and assessments; or
- take a break from their studies, in accordance with the [Support to Study Policy](#)

4. Specific Learning Differences (SpLD)

4.1 Students with a specific learning difference (SpLD) who have a Study Inclusion Plan (SIP) or Learning Support Agreement (LSA) or for their current programme of study are automatically entitled to an additional allowance of seven calendar days to submit their essays under the Permitted Extended Deadlines (PED) Policy. More information on this is available in the [Coursework Submission Policy](#), and from the [Disability & Dyslexia Service](#).

4.2 Students who have SpLDs covered by a Study Inclusion Plan (SIP) or Learning Support Agreement (LSA) or are eligible to submit mitigating circumstances claims which meet the criteria set out in this policy. However, they cannot submit mitigating circumstances based on their SpLD alone.

5. Submission Procedure and Deadlines

- 5.1 Discussing your circumstances with a member of staff does not constitute a submission of mitigating circumstances. Individual members of staff cannot make adjustments to the assessment process or make decisions on mitigating circumstances, therefore students must follow this procedure and submit a claim for mitigating circumstances.
- 5.2 The student must complete their claim concisely but provide sufficient details on the nature and timing of the circumstances and what their impact has been. All claims must be accompanied by original, contemporaneous documentary evidence that supports the details of the claim. Further information on acceptable forms of evidence can be found in [Appendix A](#).
- 5.3 A student who believes their MC submission contains sensitive or highly confidential personal information and/or evidence may submit their documentary evidence in a sealed envelope marked 'private and confidential' for the attention of the Chair of the Mitigating Circumstances Panel. They will not provide this information to the mitigating circumstances panel but will confirm whether the evidence was sufficient and valid.
- 5.4 If a student is unable to submit their mitigating circumstances claim personally due to illness or other circumstances, then the student can authorise someone to submit the claim on their behalf.
- 5.5 Students must keep a record of their submission on SID and a copy of all evidence submitted. This will serve as their proof of submission.
- 5.6 The claim will be read by a minimum of two members of staff. If they are in agreement that the claim and evidence is in line with the policy then this will be considered a successful claim and the student will be informed. All other claims will go to full assessment.
- 5.7 The claim must be received as follows:
- (a) For deferral of examination or extension of coursework at least ten (10) working days before the examination or assessment submission date
 - (b) For mitigation no later than ten (10) working days after the assessment was due or the examination took place.

Working days are defined as the days which the school is open.

- 5.8 The school may consider a claim that is lodged out of time if the student proves to its satisfaction that they were mentally or physically incapable of lodging a request within the prescribed time period.
- 5.9 Mitigating Circumstances which are not submitted in time to be considered by the relevant Sub Board of Examiners will be rejected. These claims can only be considered under the Mitigating Circumstances Appeals Policy. The appeal must include an explanation and supporting evidence demonstrating why the claim was not submitted at the correct time.

6. Documentary Evidence

- 6.1 All mitigating circumstances claims must be accompanied by original, contemporaneous, independent third-party documentary evidence which must confirm the existence of the mitigating circumstances and state how the circumstances have impacted upon the student. Further guidance on sources and types of documentary evidence is given in [Appendix A](#).
- 6.2 The student is responsible for providing acceptable and sufficient documentary evidence and the School will not obtain evidence on behalf of a student. However, if a claim is submitted and the evidence is deemed insufficient, the student will be advised of this and given an opportunity to provide further evidence within 2 weeks.
- 6.3 Any costs involved in providing documentary evidence must be borne by the student.
- 6.4 Evidence must be legible and in English. Evidence which is written in another language must be accompanied by a certified translation.
- 6.5 The assessors will decide whether the documentary evidence meets the requirements of this policy and their decision is final.
- 6.6 SOAS counsellors, SOAS Mental Health Advisors, psychiatrists and counsellors with a recognised professional qualification may provide a confidential statement as evidence.

7. Impact of Mitigating Circumstances on Assessment

7.1 Outcomes

One of two outcomes is available with regards to mitigating circumstances applications and these will be reported to the Sub-Board of Examiners:

- Accept the claim
- Reject the claim

7.2 Examinations

(a) Absence/Deferral – If students cannot sit an examination due to mitigating circumstances then they can submit a claim for mitigating circumstances. Where a student knows in advance of an examination period that they cannot sit their examinations, they can request a deferral of all their examinations to the next assessment period (it is not possible to defer some examinations and not others). Students will be notified as soon as the decision has been made.

(b) Illness during an examination – Students who are taken ill during an examination must report their illness immediately to the invigilator on duty in the examination hall. The invigilator will keep a note of events. Students must submit their mitigating circumstances claim and documentary evidence as close to the affected examination as possible and before the deadline. The mitigating circumstances claim and the invigilator's report will be considered by the Mitigating Circumstances Panel.

(c) Performance Affected – Students who believe that their examination performance has been adversely affected by circumstances beyond their control can submit a claim for mitigating circumstances. Mitigating circumstances will only be taken into account where the examination has been failed and the module has been failed overall.

(d) Outcomes

- (i) *Exam not sat/failed*: If the mitigating circumstances claim is **accepted** then this will not use up a right of assessment entry for the relevant module. The student will be required to sit the examination at the next available opportunity and the mark for the examination will not be capped (unless the examination was already a resit attempt).
 - (ii) *Exam passed*: Students are not permitted to retake an examination which they have already passed even if the mitigating circumstances claim is **accepted**. Sub Boards of Examiners may, in exceptional circumstances, re-consider the overall degree result of a student where the claim for mitigating circumstances has been accepted, and make any adjustments which it considers appropriate in accordance with [Appendix B](#).
 - (iii) If the mitigating circumstances claim is **rejected** then this uses up one right of assessment entry for the relevant module. Students will be required to resit the examination if the exam and the module have been failed overall and the mark for the module will be capped at the minimum pass mark.
- (e) Next available opportunity

The next available opportunity for students to sit examinations is as follows:

Summer examinations

- Non-finalist undergraduate students who cannot sit or who fail summer examinations must take these in the late summer examination period immediately following
- Finalist undergraduate students and postgraduate students who cannot sit or who fail

examinations must take the examinations in the summer examination period of the year immediately following

Late summer examinations

- Non-finalist undergraduate students who cannot sit or who fail late summer examinations must take these examinations in the summer examination period of the year immediately following

(f) Non-progression

Non-finalist undergraduate students who are not eligible to progress to the next year of study after the late summer examination period have two options:

- (i) Apply for a leave of absence and re-enter for the assessments in the following year.
- (ii) Apply to repeat the failed module(s) part time or repeat the year of study full time, as appropriate, if they have mitigating circumstances.

7.3 Coursework

- (a) Extension– If students cannot complete coursework due to mitigating circumstances then they can submit a claim for mitigating circumstances. Where a student knows in advance that they cannot complete the coursework for that term, they can request an extension up to 28 calendar days. Beyond 28 days coursework will be deferred to the next available opportunity. Students will be notified as soon as the decision has been made.
- (b) Late-submission – Students who do not submit a piece of coursework on time due to mitigating circumstances can submit a claim for mitigating circumstances. Any coursework submitted after 28 days of the deadline will not be marked and will be deferred to the next available opportunity.
- (c) Non-submission - If students cannot complete coursework due to mitigating circumstances then they can submit a claim for mitigating circumstances. If a student is not able to apply for an Extension in advance of their deadline they can submit a mitigating circumstances claim. Their coursework will be deferred to the next available opportunity.
- (d) Performance Affected – Students who believe that their performance in coursework has

been adversely affected by circumstances beyond their control can submit a claim for mitigating circumstances. Mitigating circumstances will only be taken into account where the assessment element has been failed and the module has been failed overall.

(e) Outcomes

- (i) *Coursework not submitted/failed*: If the mitigating circumstances claim is **accepted** then this will not use up a right of assessment entry for the relevant module. The student will be required to submit the coursework at the next available opportunity and the mark for the coursework will not be capped (unless the coursework was already a resit attempt).
- (ii) *Coursework submitted late*: If the mitigating circumstances claim is **accepted** then the late submission will not use up a right of assessment entry for the relevant module. The normal penalty deduction for late coursework late will not apply. Work submitted after 28 days will not be marked.
- (iii) *Coursework passed*: Students are not permitted to retake coursework in which they have already attained a pass mark even if the mitigating circumstances claim has been **accepted**. Sub Boards of Examiners may, in exceptional circumstances, re-consider the overall degree result of a student where the Mitigating Circumstances Panel has accepted a claim for mitigating circumstances, and make any adjustments which it considers appropriate in accordance with [Appendix B](#).
- (iv) If the mitigating circumstances claim has been **rejected** then this uses up one right of assessment entry for the relevant module. If the coursework was submitted late then the normal penalty for late coursework submission will apply. If the coursework was not submitted or was failed, and the module has been failed overall, students will be required to resit the coursework and the mark for the module will be capped at the minimum pass mark.

(f) Next available opportunity

The next available opportunity for students to submit coursework which is repeatable is as follows:

Term-time assessments

- Non-finalist undergraduate students who cannot complete or who fail coursework during term-time must submit these by the **first day of the late summer examination period immediately following**
- Finalist undergraduate students and postgraduate students who cannot complete or who fail coursework during term-time must submit the coursework by the **last day of term 2 in the following year**

Late summer assessments

- Non-finalist undergraduate students who cannot complete or who fail late summer coursework must submit these by the **last day of term 2 in the following year**.

If the coursework is **not repeatable** then the failure can only be redeemed by repeating the module in the following year.

(g) Non-progression

Non-finalist undergraduate students who are not eligible to progress to the next year of study after the late summer examination period have two options:

- Apply for a leave of absence and re-enter for the assessments in the following year.
- Apply to repeat the failed module(s) part time or repeat the year of study full time, as appropriate, if they have mitigating circumstances.

8. Appeal

8.1 A student whose claim for mitigation is rejected may submit an appeal within 14 days of receiving the outcome of their claim. Appeals will be considered by the MCAP consisting of members of academic staff. Appeals must be supported by evidence.

8.2 Grounds for an Appeal;

- An allegation of irregularity or of administrative error.
- New evidence of mitigating circumstances that may have adversely affected your performance e.g. ill health, bereavement etc. Please note that if you did not make the School aware of these circumstances by the deadline during the affected academic year you will be asked to explain the reason(s) for the late submission of the evidence.

Appendix A – Acceptable Mitigating Circumstances and Documentary Evidence

A1 Illness or Injury

- (a) The illness or injury relates to the student or to a relative/dependent.
- (b) Medical conditions must be supported by written evidence from a medical practitioner, consultant, or relevant member of hospital staff. Written evidence from complementary therapists will only be considered where the School is satisfied that the therapist is a member of a recognised professional body.
- (c) Evidence must be contemporaneous and give a clear diagnosis. The date of the evidence must demonstrate that the student visited the medical practitioner at the time the mitigating circumstances occurred. Statements that a student reported that they were ill, or which do not include a clear diagnosis, will not be accepted.
- (d) Students with long-term medical conditions and/or disabilities, including those with mental health difficulties, may have difficulty in obtaining medical evidence for each instance when their health has been affected. Their evidence may instead show that their condition is fluctuating and that they had an extended period of ill health.
- (e) Students may not be able to obtain a doctor's appointment at short notice. Students may Self Certify using the NHS self-certification form for up to 7 days. Students may self-certify a maximum of twice in an academic year.

A2 Bereavement

- (a) Where the mitigating circumstances relate to the death of someone related to or known to the student, a death certificate or an officially certified copy of a death certificate should be provided.
- (b) Where a student has been affected by the death of someone other than a relative they should explain their relationship to the deceased and the impact upon their studies.
- (c) Bereavement will normally be considered to cover assessments within the term when the death occurred, and shortly afterwards. Students who feel that they have been affected by a death beyond this time will need to provide additional evidence to indicate how the death has affected them personally e.g. a doctor's certificate, report from a counsellor.

A3 Personal problem/trauma/family problem

- (a) This can include a range of issues such as separation from a partner, family conflict, or caring for a dependent.
- (b) Examination stress is not considered to be a mitigating circumstance as this is common to all students. However, this could be accepted if this exists in an acute form documented by a registered medical practitioner. Students who suffer from examination stress should seek support available at the School.

A4 Court attendance

- (a) This can include jury service, attendance at tribunals and the requirement to attend court as a witness, defendant or plaintiff.
- (b) It is normally possible to apply for deferral of jury service if it clashes with an examination. If deferral is not granted, documentary evidence from the relevant Court official must be produced to show that the clash cannot be avoided.

A5 Victim of crime

- (a) Students who consider that they have been adversely affected by being a victim of crime must provide relevant details, such as a police reference number or a report from an expert, confirming the impact of the crime upon them. Examples may include theft of a laptop, being assaulted, or being burgled.

(b) Where the crime committed is of a very personal nature, i.e. sexual assault, it may be difficult to obtain a police report. Likewise, some students may not wish to report the crime to the police. In such circumstances appropriate documentary evidence can be provided from a medical professional, counsellor or other professional body (i.e. rape support service or the School's Student Advice and Wellbeing team).

A6 Exceptional financial or accommodation problems

- (a) Many students may experience financial and accommodation problems as part of daily life. These circumstances will be considered on a case-by-case basis where they are significant and significantly disrupt a student's academic performance.
- (b) Typical evidence may include a letter from a bank or other financial agency, or letters from landlords or housing support agencies.

A7 School IT problems

- (a) Failures of equipment, including IT systems and computer viruses, will only be accepted when they occur SOAS-wide, nationally or internationally, and are verified by the IT helpdesk. Students should aim to finish coursework well in advance of deadlines to avoid such problems.
- (b) Evidence required will be provided by the School's IT department.
- (c) Routine computer issues such as viruses, corrupt files and printer problems are not acceptable as mitigating circumstances. Students must take adequate precautions to reduce the potential impact of these problems such as backing up files.

A8 Exceptional work commitment (part-time students only)

- (a) SOAS appreciates that some students work to finance their studies but assumes that students will make their studies a priority. It is a student's responsibility to evaluate whether they can comply with the requirements of their chosen course before enrolling at SOAS.
- (b) Full-time students will not normally be eligible to claim for mitigating circumstances in relation to employment.
- (c) Part-time students may submit a claim for mitigating circumstances if the work requirement is unexpected and/or non-negotiable and this prevents them from attending examinations or completing coursework by the published deadline. The student must provide documentary evidence from their employer confirming the work requirement and its duration.

A9 Other serious circumstances deemed acceptable

The list of mitigating circumstances is not exhaustive and the School appreciates that other circumstances may arise which meet the criteria outlined in section 2 of this policy. If you are in doubt, please contact the Student Hub or the Students' Union for advice.

Appendix B – Decisions available

- B1 Each case is different and it is important to consider every submission on its merits. It is, however, unfair for students in similar circumstances to be dealt with differently. To help ensure consistency of treatment across the School, assessors should review the mitigating circumstances claim against the criteria in section 2 of this policy.
- Do the MCs meet the definition of acceptable mitigating circumstances?
 - Were the MCs exceptional, short-term, unforeseen and unpreventable?
 - What is the proximity of the events covered by the MC claim to the timing of the relevant assessment(s)
 - The suitability and validity of the evidence submitted
- B2 If the documentary evidence is deemed insufficient, assessors can request further evidence/clarification from the student.
- B3 The assessors will not grade the claims. Mitigating circumstances by their nature are significant events which are likely to have impacted on a student's assessment. It is not possible to determine how a particular set of circumstances will impact on a student as the same circumstances can affect students in different ways.
- B4 Marks for modules or assessment elements cannot be adjusted in light of accepted mitigating circumstances.
- B5 The assessors can make one of two decisions:
- Accept the MC claim
 - Reject the MC claim
- B6 The Sub-Board of Examiners can make the following decisions when MCs are accepted
- Allow the student to sit the assessment again as a first attempt without losing a right of entry
 - Grant a further attempt at a resit assessment without losing a right of entry
 - Reinstate marks deducted for late submission of coursework (*this will be done prior to the Board of Examiners but will be noted in the minutes*)
 - No action taken at the module level but mitigation carried forward and considered for the degree classification of borderline students (*departments will need to keep track of such decisions and ensure they are passed to the next meeting of the Board of Examiners*)
- B7 If the MCs are rejected then the Sub-Board of Examiners takes no action and the marks stand. This should be reported to the Board of Examiners.

Appendix C – Assessing Mitigating Circumstances

- C1 The professional service team will report the outcome of cases to the relevant Sub Board(s) of Examiners. The Sub Board(s) of Examiners are required to decide the course of action as outlined in Appendix B5.
- C2 Cases will be discussed with the utmost sensitivity. Anonymity of candidates should be lifted to enable informed discussions to take place, but privacy and confidentiality are paramount.
Assessors should not discuss cases outside the meeting or make any information available unless a student has given written consent to such disclosure.
- C3 The decision of the application should be based solely on the evidence that has been presented. A list of acceptable circumstances and documentary evidence can be found in [Appendix A](#).
- C4 Each case is different, and every submission should be considered on its merits. However, it is important that students in similar circumstances are dealt with in a similar way. Thus to help ensure consistency of treatment across the School, it is recommended that assessors use the criteria set out in [Appendix B](#).
- C5 Marks should not be adjusted under any circumstances. Options available to the assessors are set out in [Appendix B](#).
- C6 Decisions should be communicated without delay to the module-owning Sub Board and department (if the department of the module is different).
- C7 The outcome of each case must be recorded, identified by student/candidate number. They must not include detailed discussions of individual cases or student names. There must be a decision in respect of every submission.
- C8 The professional services team should inform students of the outcome of their submissions. No details of the discussions held will be disclosed.
- C9 Decisions of the assessors are binding. Students who believe that their Mitigating Circumstances have not been considered in line with this policy may submit a Mitigating Circumstances appeal against the decision within 14 days of receiving the outcome of their claim.
- C10 The professional service team will make an annual report to relevant committees. The report will include the number of cases considered and their outcomes (in anonymous form) together with any issues of concern or examples of good practice.

Document Version

Valid from	Author	Changes	Published
2013/14	Nick Page, Head of Registry	Mitigating Circumstances Code of Practice established for implementation in 2013/14	July 2013
2014/15	Academic Registrar	annual update	September 2014
2015/16	John Peck, Head of Registry and Quality	MC Policy updated and simplified. Approved by LTQC on 3 May 2015.	May 2015
2015/16	Eva Peters, Curriculum & Regulations Officer	Update of section 4: Specific Learning Differences. Approved by LTQC on 27 April 2016.	April 2016
2018/19	Eva Peters, Curriculum & Regulations Officer	Terminology updates in line with restructuring. Updated to reflect streamlined process. Approved by LTQC 03.05.2018.	July 2018
2020/2021	Harriet Chapman Deputy Curriculum, Assessment and Quality Assurance Manager	MC Policy updated to confirm the current working processes and add self-certification. Approved by TeLSOC 26.05.20	July 2020