



Gem-A Appeal and Clerical Recheck Policy and Procedure

Gem-A, as part of its commitment to a high-quality student experience, has defined procedures in place for students who wish to request a review or appeal against an assessment or any other decision made. The aim of these procedures is to ensure rigorous quality assurance of the marking processes by providing students with a fair, transparent and formal process for appeals.

Who does this policy apply to?

- a) This policy applies to all current students registered on Gem-A courses, who want to appeal against an assessment outcome. Students may appeal against one or more of their examination or assessment results (i.e. theory exam, practical exam, and/or online assessments).
- b) A current student includes those who are registered on a Gem-A course, those who have transferred to another course, those who have deferred and those who have recently completed their studies and are within the time limit for making an appeal.

Deadlines for completing appeals and review timetable

Applications for an appeal must be submitted within three weeks of the notification to appellants of the outcome of their enquiry/examination.

The Gem-A Education Office will aim to acknowledge an enquiry within seven working days of its receipt.

Gem-A aims to complete the appeals process in a timely manner and within **35 calendar days** of the appeal being submitted by the student. This is also dependent on the student submitting their appeals and/or evidence on time. There may be instances where this timeframe may be extended with good reason. Where this occurs, Gem-A will aim to keep the student updated on the appeal's progress.

Appeals procedure:

All applications should be submitted in writing, by the student's tutor, to the Exam Manager at Gem-A Education Office by email (education@gem-a.com), or by letter to Gem-A, 21 Ely Place, London EC1N 6TD. The fee for the service must not be paid at the time of submission. Gem-A will contact the person who has submitted the appeal and confirm whether or not the appeal can be

considered – i.e. on the permissible grounds detailed below. At that point the fee must be paid before the appeal is processed. Details of fees payable can be found in the fee schedule on the Gem-A website or at the bottom of this document.

The fee will be returned in full to the appellant if overall marks are changed during a clerical recheck.

Grounds for Appeals:

Permissible Grounds: The responsibility is on the student to establish their case. Only appeals based on one or more of the following grounds will be considered:

- (a) That parts of the documented assessment procedure were not applied and that this procedural irregularity, which has disadvantaged the student, was significant enough to have affected the decision made, rendering it unsound.
- (b) That prejudice or bias on the part of one or more of the Examiners took place and can be proven or there are grounds to support a reasonable perception of prejudice or bias.
- (c) The student's performance was materially affected by circumstances and there is new evidence of these circumstances which was not, and could not have been, made available to the Board of Examiners at the time of the original decision.

The following circumstances **will not be** considered grounds for appeal:

- (a) Perceived shortcomings in tuition, supervision, or support. Concerns relating to quality of teaching or supervision, or other circumstances that relate to the delivery of the Gem-A course should be raised under the Gem-A Complaints Policy before the point of assessment or examination. Cases where complaints are upheld and there has been a clear impact on an academic outcome may lead to grounds for appeals.
- (b) Matters of academic judgement of the Gem-A Board of Examiners. The student will not be permitted to argue the academic merits of his/her work. The student's assertion that the result unfairly reflects the merit of their work or their ability is not a ground for appeal.
- (c) Disagreement with the actual mark awarded for Gem-A assessments or examinations except where permissible grounds can be established as per the previous section. If a student wishes to have clarification about a mark received or clarification on potential/perceived error in calculation and recording of marks, they can request a clerical recheck in writing directly to the Gem-A Examinations Manager.

(d) Any matters relating to circumstances affecting study which could have been raised before the assessment/examination and decision made by the Board of Examiners.

As part of Gem-A's post examination services candidates can apply for the following:

Clerical re-check of results

All students can request a clerical re-check of results. Applications for a clerical re-check must be submitted within three weeks of the notification to candidates of their examination results. This involves a full clerical re-check of the marks awarded to an individual candidate. A statement will be provided which lists the marks awarded for the individual assessments and sections of the exams which are taken into account for the student's final grade. The candidate will typically be notified of the outcome of the clerical re-check within three weeks from receipt of the enquiry. The procedure involves a combination of internal administrative checks and verification of marks by the examiner(s). All computer/manual documentation is checked. Candidates should be aware that there could be a possibility of marks being lowered.

Appeals

If the student has a case that satisfied the permissible grounds of appeal then Gem-A will support the appeals request. The purpose of the appeals procedure is to conduct appeals lodged by candidates against decisions made by Gem-A, as the Awarding Organisation.

Candidates may not attempt to contact any examiner directly, either through Gem-A, or via a third party to enquire about their examination or results.

The outcome of an appeal will be emailed to the candidate.

The result of an appeal will not be given by telephone, in person or to a third party. Following an upheld appeal, any consequent effect upon the results of other candidates will be taken into consideration and candidates affected by such consideration will be informed within three weeks of the appeal decision being made.

In the case of an upheld appeal brought under permissible grounds (a) or (b) above, Gem-A will review assessment and examiner policy and make whatever recommendations are deemed to be necessary to the assessment/examination process to avoid a recurrence. A final decision will be made in writing to the appellant. The decision will be logged and reviewed by the Gem-A Board of Examiners.

In the case of a permissible grounds appeal (c) above, the student must outline the specific circumstances they are citing to claim this ground for appeal. Gem-A will take the specific circumstances into account and has the discretion to apply a % uplift to the student's exam mark of between 1 and 5%. This uplift can be applied to recognise the extent to which students may have had their concentration, memory, skills, cognitive ability, etc. disrupted and made less effective than usual because of the factors outlined in their appeal.

If the appellant is dissatisfied with the outcome of the appeal, Gem-A makes provision for a two-stage appeal process.

Appeals Process:

Stage 1 Appeal Investigation

If a candidate is dissatisfied with the outcome of the findings of an enquiry, Gem-A will instigate a Stage 1 Appeal. This process will consider the written submission from the appellant, together with the relevant processes undertaken in arriving at the current decision.

The investigation will take the form of a fresh examination of all available evidence and may involve Gem-A staff and senior examining personnel. The Gem-A appeals panel will inspect all relevant records for accuracy. An appeal investigation must be requested within three weeks of the decision against which the appeal is being made.

The appellant will be notified of any additional work, which is to be undertaken in connection with the Stage 1 Appeal, and the outcome of this work. Steps will be taken at this stage to provide a response to the appellant's concerns.

The result of the investigation will be communicated in writing by the Head of Education within four weeks of the submission of the Stage 1 Appeal Investigation.

If the appellant remains dissatisfied with the outcome of the preliminary appeal investigation they will have an opportunity to take the appeal to the Stage 2 Appeal Investigation providing Gem-A Education Office is notified in writing of the intention to appeal within three weeks of the communication of the result of the Stage 1 Appeal Investigation.

The Gem-A Appeals Panel:

The Appeals Panel includes:

- a) Gem-A Board of Examiners' representative

b) Gem-A Examinations Manager

c) Gem-A Student Support and Policy Development Officer

Stage 2 Independent Appeal Panel

The independent appeals process is designed to ensure that, when the appellant is not satisfied with the outcome of Stage 1, they have a formal opportunity to present their case to an impartial body.

The Independent Appeals Panel will consist of three persons including the Head of Education, an external examiner and one other member nominated from a pool of independent people.

The independent person shall not be employed by Gem-A, nor have worked for Gem-A in any capacity, including as an examiner, within the past seven years. The Panel will co-opt other members as is deemed necessary to maintain impartiality and fairness for both parties.

For Stage 2 Independent Appeals, the appellant must submit written notice of the appeal, setting out the main grounds, together with any supporting documentation. This must be submitted within three weeks of receiving the result of the Stage 1 Appeal Investigation. The appellant will be sent a copy of the appeals policy. The appellant will be given written notification of the date, time and place of the hearing.

Gem-A will ensure that adequate notice to all concerned is given of the hearing. An appeal hearing will be held to give the student every opportunity to personally explain the basis of the appeal. The student will be given a minimum of three working days' notice of the time and date of the appeal hearing. Where the appellant is based overseas, arrangements will be made wherever possible for them to attend the meeting online.

The appellant may decline the invitation to attend the panel. In this instance, the appeal will be heard in absentia. Written evidence may be submitted instead of appearing. The appellant may choose to be accompanied by a representative or friend at the appeal hearing. Gem-A should be notified, in writing, two working days prior to the meeting of any person who will be accompanying an appellant.

Every effort will be made by Gem-A and its panel to conduct the hearings in a way that is neither unduly formal nor adversarial.

The decision of the appeals panel will be conveyed to the appellant in writing within two weeks of the appeals panel.

The Panel, having heard the appeal, may:

- change the decision;

- annul the whole examination or assessment, or any part of it, and require appropriate remedial action to be taken; or
- dismiss the appeal if it is satisfied that the appellant has not established acceptable grounds of appeal. The decision made by the Independent Appeal Panel will be final and the student is not able to appeal any further.

Appendix A: Fees

Foundation Clerical Recheck: £20

Diploma Theory Clerical Recheck: £20

Diploma Practical Clerical Recheck: £20

Diamond Theory Clerical Recheck: £20

Diamond Practical Clerical Recheck: £20

All other Appeals: £60