



# Gem-A

THE GEMMOLOGICAL ASSOCIATION  
OF GREAT BRITAIN

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## Appeals and Malpractice Policy and Procedures

Gem-A has defined procedures that should be followed if an enquiry or an appeal against an assessment or any other decision is made.

### Enquiries

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

- **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 including the provision of a statement of the marks by element for an individual candidate. The candidate will typically be notified of the outcome of the clerical re-check within two weeks from receipt of the enquiry. The procedures are purely internal administrative checks and examiners are **not** involved. The score on the scripts, all computer/manual documentation and the grade issued are checked. Candidate should be aware that there could be a possibility of marks and grades being lowered.

- **Special examination report (including a clerical re-check of results)**

Applications for a special examination report must be submitted within **three** weeks of the notification to candidates of their examination results.

This involves the preparation of special examination report for the individual student which highlights any problem areas that have been identified in the examination and assessment and outlines recommendations for improvement. The report is produced in consultation with the examiner.

Gem-A Education Office will aim to acknowledge an enquiry within **three** working days of its receipt. In the event of an extended investigation the situation will be explained to the enquirer. Gem-A will endeavour to complete and send a written report within **three** weeks of acknowledgement of the enquiry.

All applications should be submitted in writing to **Lucy Dean** at Gem-A Education Office by e-mail (**exam@gem-a.com**), fax or mail and the fee for the service must be paid at the time of submission. Details of fees payable can be found in the fee schedule on the Gem-A website.

### Appeals

The appeals procedure exists to deal only with exceptional cases where a candidate considers that an enquiry or complaint about an examination or other matter requires further action. The purpose of the appeals procedure is to conduct appeals lodged by candidates against decisions made by the Gem-A, as the Awarding Body.

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An appellant may **NOT** appeal on any grounds which challenges the academic judgement of Gem-A and its appointed markers and examiners.

All appeals must be submitted in writing to **Lucy Dean** at Gem-A Education Office by e-mail ([exam@gem-a.com](mailto:exam@gem-a.com)), fax or mail. Applications for an appeal must be submitted within three weeks of the notification to appellants of the outcome of their enquiry/examination.

Gem-A Education Office will aim to acknowledge an appeal letter within **three** working days of its receipt and will aim to investigate and reply within **four** weeks of the appeal being received. In the event of an extended investigation the situation will be explained to the appellant.

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.

Written information of the results of an appeal will be sent by mail and will not be given by telephone, fax, email, to personal callers 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.

A final decision will be made in writing to the appellant, with copies sent to the Chief Examiner and Gem-A CEO and kept for external auditing by bodies such as Ofqual.

### **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 take into account 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. All relevant records will also be inspected 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 Director of Education within **four** weeks of the submission of the Stage 1 Appeal Investigation.

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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.

## **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 Director 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 arrangement will be made wherever possible for them to attend the meeting via a conference call.

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.



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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.

### **Stage 3 Appeal Independent Review**

Where the appellant is not satisfied with the outcome of Stage 2 they have the opportunity to request that the matter be put to independent review by a person who is not employed by Gem-A, nor has worked for Gem-A in any capacity, including as an examiner, within the past seven years and who has not previously been involved in the this appeals process. The appellant must submit written notice of their intention to appeal to go to Stage 3 within three weeks of the decision at Stage 2

Gem-A Education Office will aim to acknowledge the request for a Stage 3 Appeal within **three** working days of its receipt. The appeal will be reviewed by the independent person and the outcome of the appeal will be conveyed to the appellant in writing within **three** weeks of acknowledgement of the appeal by Gem-A.. In the event of an extended investigation the situation will be explained to the appellant.

All appeals should be submitted in writing to **Lucy Dean** at Gem-A Education Office by e-mail (**exam@gem-a.com**), fax or mail and the fee for the service must be paid at the time of submission. Details of fees payable can be found in the fee schedule on the Gem-A website.

Until an appeal is considered and a decision made, an original result stands and the candidate should act accordingly, e.g. if it is necessary for the candidate to re-sit an examination then the candidate should make the appropriate arrangements to do so.

All appeal fees must be paid at the time of submission of the appeal, however, the fee will be returned in full to the appellant if the appeal is upheld (details of the fees can be found on the Gem-A website) or by application to Gem-A at 27 Greville Street, London EC1N 8TN.

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## Malpractice procedures

Gem-A's examination and assessment process is dependent upon all parties acting in good faith and adhering to the highest professional standards of conduct. Therefore, any evidence of deviation from these standards may lead to disqualification of students or tutors, or the termination of a contract with an Accredited Teaching Centre.

### How is malpractice defined?

Malpractice is defined as being any attempt to gain an unfair advantage in a qualification for oneself or for any other person or any infringement of examination rules. Examples of malpractice on the part of students include:

- copying another student's work in an examination;
- bringing into an examination room notes that could be used to help answer the examination questions;
- using others' ideas and words in an assignment without clearly acknowledging the source of the information (plagiarism).

Other examples of malpractice include:

- a tutor giving a candidate unfair assistance with an assessment;
- an examiner revealing the questions in an examination to candidates in advance of the examination;
- an invigilator or tutor assisting candidates with answers in an examination room;

### Reporting suspected malpractice

All examiners, invigilators, registered centres, registered course providers and awarding body staff are required to report any suspicions of malpractice on the part of students, tutors or anyone else involved in providing the qualification. Failure on the part of any centre to cooperate may lead to certificates not being issued and future entries and/or registrations not being accepted. Such reports should be made directly to **Lorne Stather (lorne.stather@gem-a.com)** for investigation and resolution.

### Investigating malpractice

All suspected cases of malpractice will be fully investigated by Gem-A. If a case is found to be proven, Gem-A reserve the right to withhold or cancel a student's result, disqualify a tutor, or terminate its contract with an Accredited Teaching Centre.

If a candidate is suspected of malpractice, Gem-A may request that they attend a meeting at which they may be required to present their work and be questioned about their work, and/or to account for their behaviour in an examination.



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If Gem-A is satisfied that there has been no malpractice involved, the assignment/examination will be processed and marked in accordance with standard procedures and/or the examination result will be allowed to stand.

Where a candidate is unable to provide a satisfactory explanation of apparent evidence of malpractice, Gem-A reserves the right to invalidate the results, and/or to request further information. Exclusions from further examinations may also be enforced.

### **Appeals**

Anyone found by Gem-A to be guilty of malpractice will have the right to appeal against the outcome, in the same way as a candidate may appeal against the result of a review of an examination result. Such an appeal will be considered by the external board of examiners and processed in the same manner as examination appeals.

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