

APPEALS POLICY



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1. Purpose

This policy makes sure that appeals against decisions made by National Institute of Vocational Studies Pty Ltd, trading as Building Institute NSW, are managed fairly, transparently and consistently and with appropriate support to ensure individuals can access and participate in the appeals process. The appeals process follows the principles of natural justice and procedural fairness so that all parties are treated equitably.

This policy:

- explains which decisions can be appealed and on what grounds
- sets out how to lodge an appeal and the support available
- describes the internal appeal stage and the independent external review stage, with the timeframe for each step
- explains how appeal outcomes are recorded and used to improve decisions and processes.

2. Scope

This policy applies to appeals against adverse decisions made by Building Institute NSW, its staff, and contractors, including decisions relating to:

Type of decision	Examples
Pre-enrolment and enrolment	A suitability decision recorded in the Confirmation of Enrolment; an RPL suitability outcome of Partially Suitable or Not Suitable; a decision to refuse enrolment that the applicant considers unfair, discriminatory
Assessment	A Not Yet Competent outcome; an unsatisfactory result on an assessment task; an RPL decision; a credit transfer decision; a finding of academic misconduct
Support and adjustment	Refusal of a requested reasonable adjustment; A decision about an extension of time that a student considers does not adequately account for their individual needs or circumstances.
Fees and refunds	A refund calculation; refusal of a hardship application; a late payment fee; suspension for unpaid fees; withholding of certification for unpaid fees
Discipline	A decision to issue a formal warning, suspend or cancel a student's enrolment that the student considers unfair
Complaints	An outcome of a complaint made under the Complaints Policy that the student considers unfair



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Concerns that do not relate to a decision are addressed under the Complaints Policy. Decisions relating to staff employment are addressed under Building Institute NSW's employment procedures.

3. Definitions

Term	Meaning
Appeal	A request for a decision made by Building Institute NSW, its staff or contractors to be reviewed.
Appellant	The person who lodges an appeal. An appeal may be lodged by a representative, such as a parent, advocate or employer, with the person's consent.
Business day	A day that is not a Saturday, Sunday or public holiday in New South Wales.
Complaints and Appeals Register	Building Institute NSW's secure record of all complaints and appeals received, actions taken and outcomes. It is a sub-register of the Risk Management Register.
Independent decision-maker	A person who was not involved in the original decision, has no conflict of interest, and has the knowledge and authority to decide the appeal. For an assessment appeal, an appropriately qualified assessor in the relevant unit who did not make the original assessment decision.
Independent external review	Review of an appeal by a person or body that is independent of Building Institute NSW.
Natural justice and procedural fairness	The right of each party to be heard, to know the case against them, and to have the matter decided by an unbiased person on the evidence.
Original decision-maker	The person who made the original decision that is being appealed.
Re-assessment	A re-assessment of the student's competence, conducted by a different assessor, as one possible outcome of an assessment appeal.

4. Policy Statement

Building Institute NSW is committed to a fair and transparent appeals process that lets people seek a review of decisions that directly affect them. The process reflects the following expectations:



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Expectation	What Building Institute NSW does
Right to appeal	Anyone affected by a decision can appeal if they believe it was unfair or incorrect. Every decision letter that can be appealed says so and explains how.
Accessibility	The process is free, easy to find and easy to use, and support is available to lodge an appeal.
Independence	Appeals are decided by someone who did not make the original decision. An assessor never decides an appeal against their own assessment decision, and the CEO never decides an appeal against their own decision.
Procedural fairness	Appellants can present their case, see and respond to the information relied on, bring a support person, and receive written reasons for the outcome.
Timelines	Appeals are acknowledged and resolved promptly, within published timeframes.
Independent external review	If the matter is not resolved internally, the appellant can ask for review by an independent party at no cost.
Continuous improvement	Appeal outcomes are analysed and used to improve decisions, assessment tools and processes.

A student's enrolment continues while an appeal is in progress. Where the appeal is against a decision to suspend or cancel enrolment, the decision is not put into effect until the internal appeal is decided, unless there is a risk to anyone's safety. No one is disadvantaged for lodging an appeal.

5. How the Appeals Process Is Made Known

Information about how to appeal a decision is public and easy to find, including:

- published on the Building Institute NSW [website](#).
- in the relevant course pre-disclosure information, the Consumer Protection Policy and the Student Experience Guide
- in enrolment documents, assessment instructions and student induction
- in every written decision that can be appealed, including suitability outcomes, assessment feedback, refund decisions and complaint outcomes.

The appeals policy is explained to staff at induction. If any third parties are engaged by Building Institute NSW in the future, they will be required to be trained in the appeals policy prior to the agreement coming into effect and to provide students with the appeals policy.



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6. Grounds for Appeal

An appeal may be made on one or more of the following grounds:

Ground	Explanation
Procedural unfairness or irregularity	The decision was made without following Building Institute NSW's policies or procedures, or the appellant was not given a fair chance to be heard, resulting in an unfair outcome.
New evidence	Relevant evidence that was not available or not considered when the decision was made has become available, and it could change the outcome.
Incorrect application of policy or standards	Policies, procedures, training package requirements or standards were applied or interpreted incorrectly.
Bias or conflict of interest	There is evidence of bias, discrimination or a conflict of interest on the part of the decision-maker.
Assessment dispute	The assessment decision was unfair, inconsistent with the assessment criteria or the Principles of Assessment and Rules of Evidence, did not take account of an agreed reasonable adjustment, or was not conducted in line with the Conduct of Assessment Policy.
Severity of outcome	The outcome or penalty was disproportionate, harsh or unreasonable in the circumstances.

Staff will help an appellant identify the relevant ground if they are unsure.

7. Appeals Procedure

7.1 Stage 1: Discuss the decision

Before lodging a formal appeal, the person is encouraged, but not required, to discuss the decision with the person who made it, as this often clears up a possible misunderstanding quickly. For an assessment decision, this means asking the assessor to explain the outcome, the evidence considered, and what further evidence or improvement is needed. The discussion should take place within 5 business days of the decision. It does not extend the time to lodge a formal appeal.

7.2 Stage 2: Formal internal appeal

1. Lodge the appeal. The appellant lodges the appeal in writing (using the Appeals Form, by email or by letter), in person or by phone, within 10 business days of being told about the decision. A late appeal is accepted where there is a reasonable explanation for the delay. Staff will help anyone who needs assistance, and interpreting can be arranged through TIS National (131 450) at no cost. The



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appellant may, at any time, request that their appeal be referred directly to an independent external review.

2. Record the appeal. The Student Enrolment Officer records the appeal in the Complaints and Appeals Register on the day it is received, including the date, the appellant's name, the decision being appealed and its date, the grounds and supporting information, the outcome sought, any immediate action taken and the due date for a response.
3. Acknowledge the appeal. The appellant receives a written acknowledgement within 5 business days, with the expected timeframe and the name and contact details of the person handling the appeal. If needed, a time is arranged to discuss the appeal.
4. Allocate the appeal. Within 5 business days of receiving your appeal, Building Institute NSW will assign it to a suitably competent and authorised decision-maker who was not involved in the original decision and has no actual, potential or perceived conflict of interest. The CEO or Director may determine the appeal only where these requirements are met. Where no suitable internal decision-maker can act impartially, an independent external reviewer will be appointed with documented authority to review and determine the appeal, at no cost to you. For an assessment appeal, a different appropriately credentialed assessor with relevant industry competency and currency will review the assessment evidence and may arrange reassessment where necessary. You will be informed in writing of who is handling your appeal, the expected timeframes and available support.
5. Consider the appeal. The decision-maker reviews the original decision, the records and evidence relied on, and any new information. The original decision-maker is asked to explain their decision. The appellant can present their case at no cost, see and respond to any adverse information, and bring a support person to any meeting. The decision-maker considers all the evidence with an open mind and identifies the cause and root cause of the issue.
6. Decide and notify. Building Institute NSW aims to decide the appeal within 20 business days of receipt. The appeal may be upheld (the original decision is changed), partly upheld, or dismissed (the original decision stands). The appellant receives the outcome in writing, with detailed reasons, any remedy, and information on how to ask for independent external review.

The appellant can ask for a status update at any time and is kept informed at regular intervals.

Assessment appeals

For an assessment appeal, the independent assessor checks whether the original assessment:

- used the approved assessment tool and followed its instructions



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- applied the Principles of Assessment (fairness, flexibility, validity and reliability) and the Rules of Evidence (validity, sufficiency, authenticity and currency)
- took account of any reasonable adjustment recorded in the student's Confirmation of Enrolment
- gave the student clear feedback about what was required.

If the appeal is upheld, the result is changed, or the student is offered a re-assessment by a different assessor at no cost. Assessment appeal outcomes are to be risk-assessed to determine whether they trigger immediate or earlier validation than scheduled.

7.3 Stage 3: Independent external review

1. Request external review. If you are not satisfied with the internal appeal outcome, you may request an independent external review in writing within 10 business days of receiving it. Include your name, the date of your original appeal, the reasons you are dissatisfied and any relevant supporting information. Assistance is available if you need help preparing your request. You may also request your appeal be referred directly to independent external review at any stage of the appeals process.
2. Acknowledgement. The request is acknowledged in writing within 5 business days and referred for external review within 5 business days of the acknowledgement.
3. Cost. To ensure the appeals process remains accessible and financial barriers do not disadvantage the appellant, Building Institute NSW will meet the full cost of the independent external review. No costs will be charged to the appellant.
4. Review. A suitably competent external adviser will review your appeal impartially within their documented appointment authority and will provide you with their written findings, reasons and determine the outcome or corrective actions. The review is expected to be completed within 20 business days of referral. You will be kept informed of the progress and, if additional time is required, explain the reasons in writing, provide a revised timeframe.

Using the appeals process does not stop an appellant from contacting an external agency at any time, such as:

Organisation	Contact
National VET Regulator	Concerns about Building Institute NSW's compliance with the Standards for RTOs 2025 at www.asqa.gov.au
National Training Complaints Hotline	Experiences whilst undertaking training in the VET sector, they can refer your complaint to the most appropriate authority to have your complaint considered 13 38 73 or www.dewr.gov.au



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Organisation	Contact
Office of the Australian Information Commissioner (OAIC)	For privacy complaints. 1300 363 992 or www.oaic.gov.au
Australian Human Rights Commission	Discrimination, harassment or bullying. 1300 656 419 or www.humanrights.gov.au

7.4 Independent reviewer and escalation matrix

Type of appeal or issue raised	Most appropriate reviewer or adviser	Notes
An assessment decision, including a Not Yet Competent outcome or an unsatisfactory assessment result	Independent assessor who holds the relevant units and a credential under the Credential Policy, and was not involved in the original decision	The assessor reviews the evidence against the principles of assessment and rules of evidence and recommends whether the result stands, is changed, or the student is reassessed.
An RPL or credit transfer decision	Independent assessor, supported by an independent VET compliance adviser where the decision raises questions about the assessment system	Where the appeal suggests a wider problem with RPL practice, the matter is also referred for validation under
A finding of academic misconduct	Independent assessor, with an independent VET compliance adviser for complex or disputed cases	The reviewer checks that the student was told what was alleged, had a fair chance to respond, and that the outcome was proportionate.
A fee, refund or hardship decision	CEO, or the Director where the CEO made the decision; external review body if the internal outcome is not accepted	This appeals process does not limit or replace a student's rights under the Australian Consumer Law. Students may seek advice or assistance from their state or territory consumer protection agency, such as NSW Fair Trading (13 32 20), at any time.



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A refused reasonable adjustment or an appeal alleging discrimination	Independent VET compliance adviser with access and equity expertise; legal adviser where discrimination law may apply	Students may also seek advice or lodge a discrimination or human rights complaint with the Australian Human Rights Commission or their relevant state or territory anti-discrimination body, such as Anti-Discrimination NSW (1800 670 812)
A suspension or cancellation of enrolment for misconduct	Independent reviewer who was not involved in the original decision, with legal advice for serious matters	Where the conduct involved bullying, harassment, sexual harassment, violence or a safety risk, an independent investigator or legal adviser is used, and mediation is not used to decide the matter.
An appeal that involves theft, bribery or an undisclosed conflict of interest by a staff member	Legal adviser	The matter is handled as a possible serious breach under the Governance and Management of RTO Policy. Anyone with a conflict takes no part in the decision.
A breakdown in the relationship between the student and Building Institute NSW	Independent mediator	Mediation may help once the facts and outcome are settled, where both parties agree to it and it is safe.
A disagreement about how the appeal outcome or remedy is being put into effect	Independent mediator or VET compliance adviser	A mediator may help where the issue is communication or implementation. A compliance adviser is used where the issue is whether the remedy meets the Standards.

7.5 Principles for selecting a reviewer or adviser

- An independent assessor is used for any appeal about an assessment, RPL or credit transfer decision. The assessor must not have been involved in the original decision.
- An independent VET compliance adviser is used where the appeal raises questions about assessment integrity, training quality, records or compliance with the Standards for RTOs 2025.



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- A legal adviser is engaged where the appeal may involve theft, criminal conduct, discrimination, serious misconduct, privacy breaches, litigation or significant financial or reputational risk.
- An independent mediator is used only where the main issue is the relationship, communication or how an outcome is being put into effect. Mediation is not used to decide matters involving fraud, harassment, violence, serious non-compliance or a significant power imbalance, and is always voluntary for the student.
- Where an appeal involves both compliance and legal risk, both a compliance adviser and a legal adviser may be engaged.
- Every reviewer or adviser must declare any actual, potential or perceived conflict of interest before commencing and whenever one arises. Their scope, decision-making authority, confidentiality obligations and access to records must be documented in the appeal file and reported to the National VET Regulator where required and within the required timeframe.
- Building Institute NSW meets the cost of any reviewer or adviser it engages.
- The appellant must provide their consent prior to sharing their personal information to an independent external reviewer for the purposes of the appeals process.

8. Summary of Timeframes

Step	Timeframe
Discuss the decision with the decision-maker (optional)	Within 5 business days of the decision
Lodge an internal appeal	Within 10 business days of the decision
Appeal recorded in the Complaints and Appeals Register	Same day as received
Written acknowledgement	Within 5 business days
Allocated to an independent decision-maker	Within 5 business days from acknowledgement
Written decision with reasons	Within 20 business days
Request independent external review	Within 10 business days of the internal outcome
Request for external review acknowledged	Within 5 business days
External review completed (expected)	Within 20 business days of referral



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9. Records

Building Institute NSW must document each stage of the appeals process and retain all relevant records, including the appeal submission, acknowledgements, the original decision and evidence relied upon, correspondence, meeting notes, outcome letters, and any independent external review finding and decision. Records must also capture reasons for decisions, corrective or preventive actions, and evidence of their completion

Each appeal, its progress, final outcome and corrective action taken must be recorded in the Complaints and Appeals Register and Appeals Register and Continuous Improvement Register.

Appeal records must be stored securely, managed in accordance with Building Institute NSW's Privacy Policy and retained for at least seven years, or longer where required by law. Parties to an appeal may request access to personal information held about them at any time. Access requests will be managed in accordance with the Privacy Policy and applicable privacy requirements, with due regard for the privacy and confidentiality of other individuals.

10. Improvement Actions

Where an appeal is upheld, Building Institute NSW must identify the underlying cause, remedy any adverse impact on the appellant, and implement corrective and preventive actions to reduce the likelihood of recurrence. Each improvement action must be recorded in the Continuous Improvement Register, with assigned responsibility, a completion timeframe and a review of its effectiveness.

Building Institute NSW must:

- analyse appeals and their outcomes at least quarterly to identify recurring issues involving
- use assessment appeal outcomes to inform assessment validation, moderation and improvements to assessment practices
- review and update policies, procedures and decision letters where appeals identify unclear requirements, inconsistent decisions or inadequate reasons
- audit the appeals process annually to assess its accessibility, fairness, timeliness and effectiveness, and monitor resulting improvements through to completion.



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11. Roles and Responsibilities

Role	Responsibilities
Director	Determines appeals where the CEO made the original decision or the matter concerns the CEO, provided the Director was not involved and meets the impartiality, competence and authority requirements. Where the Director is conflicted, follows the independent appointment arrangements under the Conflict of Interest Policy. Receives quarterly reporting on appeals and oversees actions within reserved authority.
CEO	Oversees implementation of the appeals process and determines internal appeals only where independent of the original decision, free from conflicts of interest and appropriately competent and authorised. Arranges independent assessors and external referrals, ensures appointment and suitability checks are completed, and coordinates implementation of outcomes. Reports appeal trends and actions quarterly to the Director and Advisory Committee.
Student Enrolment Officer	Receives formal and informal appeal requests, explains the process and provides assistance to participate and lodge an appeal. Promptly refers requests to the CEO or Director, maintains the Complaints and Appeals Register, issues acknowledgements, monitors timeframes and keeps appellants informed. Coordinates referral documentation and records consent for sharing personal information where required.
Independent External Adviser	Declares conflicts of interest and meets applicable appointment and suitability requirements. Independently reviews the evidence and determines the appeal within documented appointment authority, providing written findings, reasons and required remedies or actions. Has no involvement in the original decision and follows the confidentiality and reporting arrangements specified in the appointment.
Independent assessor	Holds the credentials, industry competencies and currency relevant to the assessment under review. Declares conflicts, independently reviews assessment evidence and conducts reassessment where necessary. Documents findings and assessment judgements within their authorised role and has no involvement in the original assessment decision.
Original decision-maker	Explains the original decision and supplies complete records, evidence and reasons relied upon. Responds to requests for clarification but takes no part in determining the appeal.



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Role	Responsibilities
Trainers and Assessors	Clearly explain assessment decisions and reasons, inform students of appeal rights and provide appropriate support. Refer any indication that a student wishes to appeal, including an informal or passing comment, to the Student Enrolment Officer on the same day for follow-up.
Third parties (not currently engaged; provision applies to any future engagements)	Inform students of their appeal rights and how to access Building Institute NSW's appeals process, and promptly refer appeal requests to Building Institute NSW. No third parties are currently engaged.

12. Legislative and Regulatory Framework

This policy is informed by:

- Outcome Standards for NVR Registered Training Organisations 2025, Standards 1.4 (fair assessment), 1.5 (quality assurance of assessment) and 2.8 (appeals)
- Compliance Standards for NVR Registered Training Organisations 2025, section 20
- Competition and Consumer Act 2010 (Cth), Schedule 2: Australian Consumer Law
- Privacy Act 1988 (Cth) and the Australian Privacy Principles

13. Monitoring and Evaluation

The CEO must review appeals data quarterly and include findings in the quarterly report to the Director, with de-identified summaries provided to the Advisory Committee for advice.

The review must cover:

- the number and nature of appeals
- the proportion upheld, partly upheld or dismissed
- compliance with acknowledgement, decision and external referral timeframes, including reasons for delays
- referrals to Independent External Advisers, their outcomes and implementation of their decisions
- corrective, preventive and improvement actions completed, outstanding or overdue, including reasons and revised completion dates.

The review must identify recurring issues, underlying causes and further actions required. Risks and improvement actions must be recorded in the relevant registers and monitored through to completion. Reporting must preserve confidentiality and follow independent



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arrangements where matters concern the CEO or Director. Urgent matters must be escalated without waiting for quarterly reporting.

The appeals process must be audited annually. This policy must be reviewed at least annually, and sooner where changes to the Standards for RTOs, applicable legislation or review findings warrant revision.

14. Related Documents

- Complaints Policy
- Consumer Protection Policy
- Fees, Charges and Refunds Policy
- Privacy Policy
- Governance and Management of RTO Policy
- Conflict of Interest Policy
- Conduct of Training and Assessment Policy
- Credential Policy
- Code of Conduct Policy
- Appeals Form
- Authority to Release Personal Information Form
- Complaints and Appeals Register and Continuous Improvement Register
- Records Management Policy