



# The Australian Charity for Burundi (ACB)

## Board Decision Review/Complaint Policy

Policy Number: 017BDRC

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### 1. Purpose and Scope

#### 1.1 Purpose

The purpose of this policy is to establish a clear, fair, and accessible process for relevant stakeholders to seek a formal review or lodge a complaint regarding a specific decision made by the Board of Directors of The Australian Charity for Burundi (ACB) (the Board).

#### 1.2 Scope

This policy applies to complaints specifically related to a decision, action, or failure to act by the Board of Directors, where the complainant believes the decision:

- Contradicts the ACB's charitable purpose or Governing Document (Constitution/Rules).
- Breaches a statutory duty, an Australian Law, or an ACNC Governance Standard.
- Was made without due process or natural justice.

This policy does not cover:

- Internal employment or workplace disputes (see HR Policy).
- General complaints about service delivery or operational matters (see General Complaint Policy).
- Differences of opinion regarding general strategy, unless a breach of the governing document is alleged.

#### 1.3 Guiding Principles

All complaints will be handled in accordance with the principles of:

- Fairness and Natural Justice: Treating all parties equitably, ensuring they have the opportunity to respond to adverse findings.
- Confidentiality: Protecting the identity of the complainant and the details of the investigation, unless required by law.
- Objectivity: Addressing the complaint with integrity and without bias.
- No Detriment: Ensuring the complainant is not penalised for making a complaint in good faith.

### 2. Who Can Lodge a Complaint (Complainants)

A complaint regarding a Board decision can be lodged by a Relevant Stakeholder, which includes:

- A Member of The Australian Charity for Burundi (if applicable).
- A Director/Board Member (following Board Dispute Resolution Policy requirements).
- A Staff Member or Volunteer.
- A major Donor or Trusted Partner whose rights or relationship with the organisation is directly impacted by the decision.

### 3. Complaint Procedure and Timeframes

#### 3.1 Lodgement Requirements

- **Form and Timing:**

Complaints must be submitted in writing (via approved form) to the Responsible Officer (the Board Secretary) within 30 days of the Board decision being communicated to the relevant stakeholder.

- **Required Information: The complaint must clearly include:**

- Complainant's name and contact details (anonymous complaints may be accepted, but limit the ability to investigate, see 3.5).
- The specific Board decision being challenged and the date it was made/communicated.
- A clear statement of why the decision is believed to be flawed (e.g., specific breach of the Constitution, law, or process).
- Any supporting evidence.
- The desired outcome (e.g., reconsideration, amendment, external review).

#### 3.2 Stage 1: Initial Assessment and Acknowledgment

1. The Responsible Officer will acknowledge receipt of the complaint within 3 business days.
2. The Responsible Officer will conduct an initial assessment to determine if the complaint is within the Scope of this policy (Section 1.2).
3. If the complaint is outside the scope, the Responsible Officer will refer it to the appropriate policy (e.g., General Complaint Policy) and inform the complainant within 7 business days of lodgement.

#### 3.3 Stage 2: Board Review

1. If the complaint is within scope, the Responsible Officer will immediately forward it to a Review Committee.
2. Review Committee Composition: The Committee will comprise three non-executive members of the Board. Directors with a material Conflict of Interest (as defined in Section 3.4) regarding the decision or the complainant must be excluded.
3. The Review Committee will investigate the complaint, which may involve reviewing documentation, interviewing parties, and seeking external advice, if necessary.
4. The Review Committee will present a recommendation to the full Board at the next scheduled Board meeting or an Extraordinary Meeting.
5. The Board will vote to either uphold or overturn/amend the original decision.
6. The Board's final decision on the review will be communicated to the complainant in writing within 3 business days of the Board meeting, along with a detailed rationale for the decision.
7. Time Limit: The target timeframe for a full Stage 2 response is 60 days from the date of initial acknowledgment, with an absolute maximum of 90 days for the internal review process to conclude.

#### 3.4 Conflict of Interest Management

A conflict of interest exists where a director's personal interest or duty could improperly influence, or be perceived to influence, their ability to participate impartially in the Review Committee's decision-making process.

- Any Director identifying a potential conflict must immediately declare it and abstain from serving on the Review Committee for that complaint.
- The remaining Board members will determine if the conflict is material enough to exclude the Director from the Committee.

#### 3.5 Anonymous Complaints

Anonymous complaints will be assessed and investigated only if the complaint provides sufficient detail and verifiable evidence to warrant action, and if the nature of the alleged breach poses a significant risk to the charity's reputation, finances, or compliance obligations. Anonymous complainants will not receive a formal response.

### **3.6 Stage 3: External Review**

If the complainant is dissatisfied with the outcome of the Board's review (Stage 2) and believes the decision involves a serious breach of the charity's legal obligations or governing document, they may have the right to escalate the matter.

- The primary external body is the Australian Charities and Not-for-profits Commission (ACNC), particularly if the complaint relates to a breach of the ACNC Act or Governance Standards.

### **4. Record Keeping and Review**

- All formal complaints, along with all associated documentation, minutes of the review process, and the final decision, will be recorded and stored securely by the Responsible Officer for a minimum of seven years.
- A summary of complaint data (number of complaints, types, and outcomes) will be included in the Responsible Officer's report to the Board at least annually to identify systemic issues and inform procedural improvements.