

**PURPOSE:**

To outline the process for managing complaints relating to a procurement activity carried out by Rochester and Elmore District Health Service (REDHS).

To be read in conjunction with [REDHS Consumer Feedback policy](#)

**BACKGROUND:**

An established procurement complaints management policy is a requirement of mandated health services (including REDHS) before undertaking any procurement activity.

Health purchasing policies have been developed by the Health Purchasing Victoria (HPV) Board in accordance with s134 of the Health Services Act 1988. These policies are legally binding, mandatory and are effective from date of publication in the Government Gazette.

The health purchasing policy framework is based upon the Victorian Government Purchasing Board (VGPB) supply policies and must be complied with in conjunction with s1.4.3 of the Victorian health funding conditions.

A procurement complaints management policy framework must ensure roles and responsibilities are clearly identified and defined, include the development of procurement strategies and plans, and that these are implemented and monitored for compliance.

REDHS is required to have a complaint management process that can investigate and respond to complaints made in relation to procurement processes. The process must ensure investigations are dealt with and specifies:

- what documentation is required from the complainant and in what format,
- contact and lodgement details,
- timelines for conducting the investigation and providing response,
- range of outcomes available to the organisation providing the response,
- a process for review by Health Purchasing Victoria (HPV) if the findings and actions taken by the organisation do not resolve the matter to the satisfaction of the complainant, and
- other government bodies that may be able to assist.

The Chief Procurement Officer must ensure that procurement complaints management processes exist and that complaints are managed according to protocol.

REDHS procurement complaints management policy must be published in a public domain and easily accessible to a complainant.

**DEFINITIONS:**

**Procurement complaint:** an expression of dissatisfaction, issue or concern expressed by a supplier or other interested party in relation to the procurement process and probity applied by REDHS when carrying out a procurement activity. Procurement complaints must be lodged in writing.

**Chief Procurement Officer (CPO)**

REDHS Chief Executive Officer is the nominated Chief Procurement Officer and has visibility and oversight of the entire non-salary spend profile of the health service. Parts of this role will be delegated to the Procurement Manager.

**Health Purchasing Victoria (HPV)**

HPV was established in 2001 to improve the collective purchasing power of Victorian public health services and hospitals. HPV achieves “value for money” outcomes in the procurement of health related goods, services and equipment through more than 40 contract categories.

**Category:** group of like products for the purpose of tracking expenditure using REDHS Department Cost Centre account codes.

**POLICY STATEMENT:**

- **To minimise or avoid supplier complaints, REDHS will:**
  - ensure clarity of sourcing documentation;
  - provide sufficient time to allow potential respondents to prepare and lodge a response to an approach to the market;
  - ensure that REDHS Procurement Policy and Purchasing Governance Policies are followed
- **Suppliers and other interested parties are encouraged to complain if they are dissatisfied or feel aggrieved by a procurement practice, process or outcome. Complaints are valued by REDHS because they help it to improve its policies, systems and service delivery.**
- **Should a procurement complaint be made, REDHS Complaint Management process will investigate and respond to all complaints made in relation to procurement processes.**
- **All complaints will be acknowledged in writing within 5 working days of receipt.**
- **There is no financial charge for making a procurement complaint.**
- **All complaints will be handled with principles of fairness, accessibility, responsiveness and efficiency.**
- **The timeframe for investigating the complaint will be determined by the complexity of the complaint and the availability of investigative resources as per the procedure below.**
- **Complaints are treated confidentially and there will be no adverse repercussions for a complainant.**
- **Where a complainant is dissatisfied with the outcome of the complaint investigation or would like to escalate the issue, REDHS will provide details of other government organisations that can be approached by the complainant.**

**PROCEDURE:**

1. Procurement complaints should as a minimum:
  - Be made in writing by letter or email;
  - Contain the complainant's name, address, email address and the name and ABN of the Supplier or other interested party they represent;
  - Include any supporting information and evidence; and
  - Be lodged marked 'Procurement Complaint' at the following:

**Post:** Chief Executive Officer  
Rochester & Elmore District Health Service  
PO Box 202  
Rochester Vic 3561

**Email:** [rochhosp@redhs.com.au](mailto:rochhosp@redhs.com.au)
2. All procurement complaints must be logged on REDHS Procurement Complaints Register that is maintained by the Procurement Manager. The Complaints Register will record the following information at a minimum:

- The Complainant's name and the name and ABN of the Supplier or other interested party they represent;
  - The staff member's name (who is conducting the investigation);
  - The nature of the complaint;
  - The procurement process that is the subject of the complaint;
  - Time taken to resolve the complaint; and
  - The outcome.
3. All procurement complaints must be acknowledged in writing within 5 working days from the receipt of the complaint.
  4. Complaints will be investigated in a time frame that reflects the urgency of the Complaint. In general, non-urgent Complaints shall be investigated within 20 business days from receipt of the Complaint. This time frame may vary depending on the complexity of the Complaint and the availability of investigative resources. Urgent Complaints will have an investigation commenced within five business days from receipt of the Complaint at REDHS.
  5. Wherever practicable, complaints will be investigated in a manner that is independent and objective. The Chief Procurement Officer (or delegate) must be satisfied that the person(s) investigating a Complaint are appropriately independent. If the Chief Procurement Officer is not satisfied that the person conducting a Complaint investigation is appropriately independent, the person conducting the investigation must not continue the investigation and shall be replaced by a person who is appropriately independent.
  6. Following completion of the investigation and subsequent feedback to the complainant, REDHS is to inform the HPV Board within five working days of any complaint that could not be resolved to the satisfaction of both parties.
  7. REDHS will disclose in its annual report the following information in relation to each complaint received as required:
    - procurement activity to which the complaint relates
    - status of the complaint confirming whether it:
      - i. was resolved
      - ii. is still under investigation
      - iii. could not be resolved

#### **Referring a complaint to the HPV Board for review**

1. A complainant can refer a complaint to the HPV Board for review if not satisfied with the findings and actions of REDHS. This could be related to the management of the complaint or the application of the Health Purchasing Policies.
2. The CEO will advise the REDHS Board of Management of any complaints referred to HPV and may seek legal advice.
3. Complaints submitted to the HPV Board must be lodged by letter, email or fax within 10 working days of the receipt of the findings by REDHS to:

The Chair  
HPV Board  
Health Purchasing Victoria  
Level 34, 2 Lonsdale Street  
Melbourne Victoria 3000
4. The complainant must provide the following material:

**Title:** Procurement Complaints Management

**Department:** Support Services \ Procurement

**Approved by:** Chief Executive Officer



- evidence that the mandated health service did not correctly apply Health Purchasing Policies in relation to a procurement activity;
  - evidence that REDHS complaints management procedures were not applied correctly;
  - a copy of all relevant correspondence between the complainant and REDHS in relation to the nature of the complaint;
  - any additional material requested by the HPV Board to assist it in its findings.
5. The HPV Board:
- will inform REDHS and complainant of its findings and any further action it intends to take in relation to the matter;
  - can require the CEO to audit its application of Health Purchasing Policies in relation to the procurement activity;
  - can inform the Minister of Health of its review of a complaint and advise the Minister of further action that could be taken;
  - may note the outcome of a review in relation to any complaint in its annual report to Parliament.

**REFERENCES and ASSOCIATED DOCUMENTS:**

**REDHS Policies**

- [Purchasing Policy](#)
- [HPV Procurement Strategic Analysis](#)
- [Procurement Governance Policy](#)
- [Procurement Probity Policy](#)
- [Procurement Contracts Management Policy](#)
- [Employee Discipline Policy](#)
- [Emergency Management Policy](#)
- [Risk Management Policy](#)
- [Consumer Feedback Policy](#)

**State and Commonwealth Legislation**

- Health Services Act 1988 s134

**Standards / Codes of Practice / Industry Guidelines**

- [Health Purchasing Policy, Procurement Governance, Health Purchasing Victoria](#) Accessed 7/10/15

**MANDATORY INCLUSION:**

*Personal information and health information as defined in the relevant Victorian law, which is required to be collected, used, disclosed and stored by REDHS in order to achieve the Purpose of this policy, will be handled by the Executive and its employees in accordance with their legal obligations.*

*When developing this policy, REDHS has taken all reasonable steps to make its content consistent with the proper discharge of its obligations under the Charter of Human Rights and Responsibilities Act 2006.*

Review History			
Name	Position	Service / Program	Date (Month/Year)
Gayle McConnell	Procurement Manager	Corporate Services	August 2015
Lynn Wolfe	Quality Services Manager	Administration	August 2015
Clare Ireland	Corporate Services Manager	Corporate Services	August 2015
Anne McEvoy	Chief Executive Officer	Administration	6 October 2015