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Department:	Corporate Services	**Responsibility:**	Director Corporate & Business
Section:	Procurement	**Authority:**	Executive & Senior Management

PURPOSE

An established procurement complaints management protocol is a requirement of mandated health services before undertaking any procurement activity.

Kerang District Health is a mandated health service.

Health purchasing policies are made by the HealthShare Victoria (HSV) Board in accordance with s134 of the Health Services Act 1988. These policies are legally binding, effective from date of publication in the Government Gazette, and must be complied with.

DEFINITIONS

Chief Procurement Officer (CPO) - The Chief Procurement Officer role is established by the Chief Executive Officer of a mandated health service. The role has visibility and oversight of the entire non-salary spend profile of the health service.

HealthShare Victoria (HSV) - Established on 1st January 2021 to improve the collective purchasing power of Victorian public health services and hospitals. HSV achieves 'best value' outcomes in the procurement of health related goods, services and equipment through more than 40 contract categories.

Procurement Complaint is 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 Kerang District Health when carrying out a procurement activity. Procurement complaints must be lodged in writing.

Procurement Complaints Management - As a mandated health service, Kerang District Health 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 HSV 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.

Victorian Government Purchasing Board (VGPB) The Board sets the policies that govern procurement of non-construction goods and services across all Victorian government departments and some specified entities.

PRINCIPLES

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

A procurement complaints management protocol 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.

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

Kerang District Health procurement complaints management procedure must be published in a public domain and easily accessible to a complainant.

To minimise or avoid supplier complaints, Kerang District Health must:

- 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 KDH Procurement Protocols and Purchasing Governance Policies and procedures are followed.

However, complaints may still arise and Kerang District Health must promote a robust complaints management process. To ensure transparency, accountability and effective complaints handling, Kerang District Health must observe the following process in handling complaints received. Where a complainant is unhappy with the outcome of the complaint investigation or would like to escalate the issue, Kerang District Health must provide details of other government organisations that can be approached by the complainant.

- There is no financial charge for making a procurement complaint.
- Suppliers and other interested parties are encouraged to complain if they are dissatisfied or feel aggrieved by a procurement practice, process or outcome.
- All complaints will be handled with principles of fairness, accessibility, responsiveness and efficiency.
- Complaints are treated confidentially and there will be no adverse repercussions for a complainant.

Complaints are valued by Kerang District Health because they are used drive improvement in our policies, systems and service delivery.

PROCEDURE

Procurement complaints should as a minimum:

a) Be made in writing, by letter, or email;
b) Contain the complainants name and address and the name and ABN of the Supplier or other interested party they represent;
c) Include any supporting information and evidence; and
d) Be lodged marked 'Procurement Complaint' at the following;

Post: Chief Procurement Officer
Kerang District Health
PO Box 179
KERANG VIC 3579

Email: contact@kdh.org.au

All procurement complaints must be logged on the Procurement Complaints Register that is maintained by the CPO. The Complaints Register will record the following information at a minimum:

a) The complainants name and the name and ABN of the Supplier or other interested party they represent
b) The staff member's name (who is conducting the investigation)
c) The nature of the complaint
d) The procurement process that is the subject of the complaint
e) Time taken to resolve the complaint
f) The outcome.

All procurement complaints should be acknowledged in writing within 5 working days from the receipt of the complaint.

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 Kerang District Health.

Wherever practicable, complaints will be investigated in a manner that is independent and objective. The CPO (or delegate) must be satisfied that the person(s) investigating a complaint are appropriately independent. If the CPO 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.

Kerang District Health is to inform the HSV Board within five working days of any complaint that could not be resolved to the satisfaction of both parties.

Kerang District Health must disclose in its annual report the following information in relation to each complaint received:

- procurement activity to which the complaint relates
- status of the complaint confirming whether it:
  - ✓ was resolved
  - ✓ is still under investigation
  - ✓ could not be resolved.

Referring a Complaint to the HSV Board for Review

A complainant can refer a complaint to the HSV Board for review if not satisfied with the findings and actions of Kerang District Health. This could be related to the management of the complaint or the application of the Health Purchasing Policies.

Complaints submitted to the HSV Board must be lodged within 10 working days of the receipt of the findings by Kerang District Health via the following avenues;

By Post/ Hand Delivered to:	Chief Executive HealthShare Victoria Level 34, 2 Lonsdale Street MELBOURNE VIC 3000
Electronically:	complaints@healthsharevic.org.au

The complainant must provide the following material:

a) Evidence that the mandated health service did not correctly apply health purchasing policies in relation to a procurement activity
b) Evidence that Kerang District Health complaints management procedures were not applied correctly
c) A copy of all relevant correspondence between the complainant and Kerang District Health in relation to the nature of the complaint
d) Any additional material requested by the HSV Board to assist it in its findings.

The HSV Board:

a) Will inform Kerang District Health and complainant of its findings and any further action it intends to take in relation to the matter
b) Can require the CEO to audit its application of health purchasing policies in relation to the procurement activity
c) Can inform the Minister of Health of its review of a complaint and advise the Minister of further action that could be taken
d) May note the outcome of a review in relation to any complaint in its annual report to Parliament.

KEY ALIGNED/RELATED DOCUMENTS

KDH Policy – Procurement Governance
KDH Procedure – Asset Management (Acquisition, Operation, Maintenance, Disposal)
KDH Procedure – Contract Management
KDH Procedure – Contract Management Strategy
KDH Procedure – Equipment Requests, Trials and Evaluations
KDH Procedure – Procurement Capability, Assessment and Development Plan
KDH Procedure – Procurement Capability Statement
KDH Procedure – Procurement Critical Incident Procedure
KDH Procedure – Procurement Strategy
KDH Procedure – Purchasing
HSV Purchasing Policy 1 – Governance
HSV Purchasing Policy 2 – Strategic Analysis
HSV Purchasing Policy 3 – Market Approach
HSV Purchasing Policy 4 – Contract Management and Asset Disposal
HSV Purchasing Policy 5 – Collective Purchasing and Supply Chain

KEY LEGISLATION, ACTS & STANDARDS

Health Services Act 1988

REFERENCES

HealthShare Victoria https://healthsharevic.org.au/assets/Policies-and-Procedures/PRO400.4-Complaints-Procedure.pdf accessed 19/04/2024

EVALUATION

The Procurement Complaints Register will be reviewed annually at the Audit and Risk Committee to determine compliance.

DOCUMENT DEVELOPMENT / REVIEW PROCESS

This document will be reviewed and updated *annually* or following substantial changes to relevant legislation, regulation or safety and quality standards.

Document Development, Approval and Review

	Name	Position	Service/Program/Final Endorsement	Date
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