

## Procurement Complaints Management Process

Reviewed 6 January 2025

### Document governance

Approving body	Chief Financial Officer
Executive Sponsor (Name & Title)	Chief Financial Officer
Document Author (Name & Title)	Director, Procurement and Supply

Contents

Procurement Complaints Management Process \_\_\_\_\_ 1

1. Location \_\_\_\_\_ 3

2. Purpose \_\_\_\_\_ 3

3. Scope (Staff) \_\_\_\_\_ 3

4. Accountability \_\_\_\_\_ 3

5. Definitions \_\_\_\_\_ 3

6. Procedure Details \_\_\_\_\_ 4

7. Related Documents \_\_\_\_\_ 7

8. Key Legislation, Accreditation & Standards \_\_\_\_\_ 8

9. Keywords \_\_\_\_\_ 8

## 1. Location

---

All Grampians Health

## 2. Purpose

---

The purpose of this guideline is to provide guidance on how to deal with complaints received from suppliers about purchasing and tender activities undertaken by Grampians Health.

## 3. Scope (Staff)

---

All Grampians Health Staff.

## 4. Accountability

---

The Director of Procurement Services is responsible for monitoring compliance to this procedure.

Staff responsible for the operational facilitation of procurement activities and contract management are required to understand the procurement procedures and their responsibilities. Management are responsible for ensuring that staff responsible for the management of procurement activities are aware of and comply with this procedure.

## 5. Definitions

---

<b>CPO</b>	Chief Procurement Officer is an executive position commonly held by the Chief Financial Officer (CFO). The CPO has visibility and oversight of the entire non-salary spend profile of Grampians Health and oversees the development, application and ongoing practices of procurement reform within Grampians Health.
<b>Probity</b>	Probity is the evidence of ethical behaviour and can be defined as behaving with integrity, uprightness and honesty.
<b>HSV</b>	HealthShare Victoria (HSV) is an independent statutory authority established in 2001 under Section 129 of the <i>Health Services Act Vic</i> 1988 to improve the collective purchasing power of Victorian public health services and hospitals.

PROMPT Doc No: <#doc_num> v<#ver_num>			
Date loaded on PROMPT:	<#issue_date>	Page 3 of 8	Review By: <#next_review_date>
Version changed:	<#revision_issue_date>	Document uncontrolled when downloaded.	Last Reviewed Date: <#last_review_date>

## 6. Procedure Details

---

### Complaints Management Overview

This complaints management process mandates the steps for a supplier to follow if the supplier feels the need to make a formal complaint regarding the conduct of a procurement activity between themselves and Grampians Health.

### General Conditions of Lodging a Complaint

A supplier who considers that the awarding of a purchasing contract violated ethical practice or the conditions of the advertised Request for Tender (RFT) or Request for Quotation (RFQ) may lodge a formal written complaint directly with the health service. Complaints made directly to the health service may be emailed to the Director of Procurement Services department or to the Chief Procurement Officer (CPO).

Complainants are requested to provide contact details so that a response can be made to the complainant as well as requests for additional information if required. Anonymous complaints will be investigated but results may not be published. Confidentiality will be maintained at all times and the complainant will not be victimised or harassed as a result of any complaint. The complaints handling process is provided free of charge to the complainant.

### Complaints Management Process

In the first instance, the complainants are encouraged to resolve the matter with the department managing the procurement as per the contractual terms or the procurement procedures.

If a resolution cannot be achieved, then the complainant will need to follow the Procurement Complaint Management process.

### Lodging a Complaint

Complaints are to be lodged by post or email to

Post:  
Chief Procurement Officer  
Grampians Health  
PO Box 577  
Drummond St North  
Ballarat  
Vic, 3353

Email: [Contracts@gh.org.au](mailto:Contracts@gh.org.au)

All complaints received must be entered into Riskman – the Grampians Health incident management system.

PROMPT Doc No: <#doc_num> v<#ver_num>			
Date loaded on PROMPT:	<#issue_date>	Page 4 of 8	Review By: <#next_review_date>
Version changed:	<#revision_issue_date>	Document uncontrolled when downloaded.	Last Reviewed Date: <#last_review_date>

## Complaints Information

The complaint needs to include the following information:

- A clear written statement regarding what you consider was unsatisfactory in the procurement process
- Copies of, or references to, information to support the complaint
- A statement regarding what you wish to achieve as an outcome from the complaint process
- If further correspondence or information is required, the supplier will be given no less than 15 working days to respond to any communication from Grampians Health unless the matter is urgent
- If the outcome of the investigation is unsatisfactory, the complainant can refer the complaint to Health Share Victoria (see below)

## Timeline for dealing with complaints

All complaints will be addressed in a timely manner:

- Formal complaints will be acknowledged within five business days. The acknowledgment will include information on how long the complaint is expected to take to investigate and how the results of the investigation will be communicated.
- In the majority of cases, any investigation is to be completed within 20 days
- If the investigation is expected to take longer than 20 days, the complainant is to be notified of the likely response date

## Investigating the complaint

The CPO will appoint a senior staff member to investigate the complaint.

- The staff member selected will not have been involved in the issue under complaint or that particular purchasing activity
- The staff member may throughout the course of their investigation meet with the complainant to either clarify any issues or seek further information
- The investigation of the issue will be reviewed by the CPO and recommendations for remediation / resolution approved. Resolution can range from advice of the complaint report, cancellation of tender, monetary compensation or other mutually satisfactorily negotiated solution
- The complainant shall be provided a summary of the investigation, and the recommendations implemented if the outcome is accepted
- The Riskman entry is to be closed
- Any corrective action identified as a result of the investigation is to be communicated to relevant staff and senior management

PROMPT Doc No: <#doc_num> v<#ver_num>			
Date loaded on PROMPT:	<#issue_date>	Page 5 of 8	Review By: <#next_review_date>
Version changed:	<#revision_issue_date>	Document uncontrolled when downloaded.	Last Reviewed Date: <#last_review_date>

## Unresolved complaints or Complaints direct to HSV

A complainant can refer a complaint to Health Share Victoria (HSV) for review if they are not satisfied with the actions of Grampians Health. This could be related to the management of the complaint or the application of procurement policy and procedures. Other government bodies available depending upon the nature of the complaint include the State Ombudsman, Victoria's Independent Broad-based Anti-Corruption Commission

HSV will be advised within five business days of any complaint that cannot be resolved to the satisfaction of either party. The complainant may submit their complaint to HSV within ten business days of the receipt of the findings.

All such complaints must be submitted to:

The CEO  
Health Purchasing Victoria  
Level 34, 2 Lonsdale Street  
Melbourne, Victoria, 3000

The information required is:

- a clear written statement regarding what was considered unsatisfactory in the procurement process
- evidence that Grampians Health did not correctly apply its procurement policy and procedures in relation to a procurement activity
- copies of, or references to, other information to support the complaint
- a statement regarding what the complainant wishes to achieve as an outcome from the complaint process.

The HSV Board will:

- Will inform Grampians Health and the complainant of its findings and any further action it intends to make in relation to the matter
- Can require Grampians Health CEO to organise an audit of the application of HSV policies in relation to the particular purchasing 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 reports to Parliament

## Official Misconduct

The Chief Executive Officer (CEO) has a statutory obligation to report any matters concerning allegations of corrupt conduct in relation to procurement and may need to refer the matter to the following Australian Government organisations that also deal with complaints about procurement and/or ethical misconduct of public bodies:

- Australian Competition and Consumer Commission, regarding contraventions of the Competition and Consumer Act 2010 (Cwlth).

PROMPT Doc No: <#doc_num> v<#ver_num>			
Date loaded on PROMPT: <#issue_date>	Page 6 of 8	Review By: <#next_review_date>	
Version changed: <#revision_issue_date>	Document uncontrolled when downloaded.	Last Reviewed Date: <#last_review_date>	

- Australian Securities and Investment Commission, regarding contraventions of the Corporations Act 2001 (Cwlth).
- Independent Broad-based Anti-corruption Commission

Official misconduct will also, be reported to the GH Board, the Department of Health and the Department of Treasury and Finance.

## Record Keeping

A database will be kept by Procurement Services to assist in recording information and outcomes regarding complaints. Information that will be retained about complaints includes.

- details (name, company, postal address and email address etc.)
- a concise statement regarding the nature of the complaint
- details of the complainant's attempt to address the matter
- action in progress
- outcome

Procurement Services will conduct an analysis of trends related to recurring complaints which usually indicates the need for remedial action and may be useful in developing better procurement systems.

- reasons for upholding or rejecting the complaint will be recorded
- a tracking system with time frames will be developed to monitor the progress of the complaint
- regular reporting to an appropriate officer is required as outlined in the Action Plan regarding the status of complaints

## Annual Reporting Requirements

Grampians Health will 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

## 7. Related Documents

Delegations Policy and Operational Instrument of Delegations

Procurement Management Policy

Tender Management Policy

Contract Management Policy

PROMPT Doc No: <#doc_num> v<#ver_num>			
Date loaded on PROMPT:	<#issue_date>	Page 7 of 8	Review By: <#next_review_date>
Version changed:	<#revision_issue_date>	Document uncontrolled when downloaded.	Last Reviewed Date: <#last_review_date>

## 8. Key Legislation, Accreditation & Standards

---

The external frameworks, standards and programs informing this policy include:

- Health Services Act 1988 - [http://www.austlii.edu.au/au/legis/vic/consol\\_act/hsa1988161/](http://www.austlii.edu.au/au/legis/vic/consol_act/hsa1988161/)
- Health Purchasing Policies - <https://www.hpv.org.au/assets/General/healthpurchasingpolicies-completefile-1.pdf>
- Financial Management Act 1994 - [http://www.austlii.edu.au/au/legis/vic/consol\\_act/fma1994164/](http://www.austlii.edu.au/au/legis/vic/consol_act/fma1994164/)
- Standing Directions issued under the Financial Management Act - <http://www.dtf.vic.gov.au/Government-Financial-Management/Standing-Directions-of-the-Minister-for-Finance/Standing-Directions-of-the-Minister-for-Finance-2016>

## 9. Keywords

---

PROMPT Doc No: <#doc_num> v<#ver_num>			
Date loaded on PROMPT: <#issue_date>	Page 8 of 8	Review By: <#next_review_date>	
Version changed: <#revision_issue_date>	Document uncontrolled when downloaded.	Last Reviewed Date: <#last_review_date>	