

COMPLAINTS PROCEDURE

Category: Governance

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Reviewer: Director Finance, Risk and Governance

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Purpose

Complaints and compliments provide unique information about the quality of an organisation's service to its customers and those with whom it deals on a day to day basis.

Management of a complaint provides the opportunity for Complainants to have their issues resolved effectively and ensures that any identified risks are managed appropriately and that action is taken to minimise or eliminate those risks.

This Procedure applies to all complaints about HPV.

It is constructed to provide a framework:

- to ensure that all complaints are addressed effectively and in a consistent and just manner; and
- to ensure that the information gathered through complaints is used to continually improve HPV's processes.

Details of the policy statement to support the application of the Complaints Procedure is referenced within the Procurement Policy. This procedure is designed to be read in conjunction with the policy.

Principals

The Procedure is underpinned by the following guiding principles:

HPV is committed to exemplary standards of professional conduct and quality improvement:

- Participants in HPV's processes are encouraged and enabled to provide feedback about those processes, including complaints;
- Fairness and equity is imparted to both a complainant and to any HPV persons to which the complaint relates;
- All complaints are acknowledged and responded to promptly and sensitively;
- Complaints are assessed by considering risk factors, the known facts, the views of the Complainant and HPV's accountability;
- Complaints are dealt with in a manner that is effective, complete, fair to all parties and directed toward providing just outcomes;
- Complaint information is openly communicated while protecting confidentiality and personal privacy; and
- Complaints are recorded to enable review of individual cases, and to identify trends and risk.

Definitions

For the purpose of this Procedure, a '**complaint**' is defined as any expression of dissatisfaction received from an interested party in HPV official processes, either initially made verbally, but in any event confirmed in writing, about any action related to HPV's procedures and decisions in the course of performing its statutory functions, where the Complainant is seeking a specific resolution that requires action to be taken by HPV to address the complaint. A complaint also extends to the reporting of a suspected fraud or corruption activity.

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A 'complaint' does **not** include expressions of dissatisfaction, concerns or complaints received in respect to:

- Government policies and/or legislation outside the control of and not the responsibility of HPV. (Note: information of this nature should be monitored and where considered relevant by HPV passed on to the respective policy makers for their information); or
- A complaint which is covered by other formal Procedures of HPV, including but not limited to Protected Disclosures, Privacy (Management of Personal Information) Freedom of Information, Grievances, Equal Opportunity or other Public Service Human Resource Management Standards.
- Expressly excluded from this Procedure are complaints which derive from, or are made in relation to HPV contracts. The resolution of complaints and disputes during the 'Agreement period' (as defined in HPV contract documentation) are subject to the conditions of contract and include those which govern contract management, disputes settlement and any legal procedures arising.

Complainant means a natural person or External Entity who makes a complaint to HPV.

External Entity means an organisation that is a Mandated health services provider, a supplier of health services or equipment (either contracted or not), or any other HPV stakeholder.

HPV means Health Purchasing Victoria, established pursuant to section 129 of the *Health Services Act 1988 (Vic)*.

Mandated Health Services Provider means all public hospitals and health services listed in Schedule 1 and 5 of the *Health Services Act 1988 (Vic)*.

HPV Health Purchasing Policy means any policy mandated by HPV pursuant to section 134 of the *Health Services Act 1988 (Vic)* and which has been published in the Victorian Government Gazette.

Accountability

The HPV Board delegates responsibility for managing complaints to the Chief Executive.

The Chief Executive is responsible for the management of complaints in accordance with the Policy and Procedure. Consequently, all complaints must be directed to the Chief Executive (or delegate).

HPV Directors shall ensure that this Procedure is implemented within their respective areas of responsibility and authority.

Timeliness

HPV shall respond in writing to the Complainant, acknowledging receipt of the complaint and noting the proposed action plan within five (5) business days following receipt of a complaint.

Time frame for investigation may vary depending on the complexity of the complaint and the availability of investigative resources. Urgent complaints (complaints concerning allegations of fraud, corruption or other serious misconduct) will have an investigation commenced within five business days from receipt of the complaint at HPV's office. Non-urgent complaints will have an investigation commenced within 20 business days from receipt of the complaint.

Independent Complaint Investigation

Complaints that fall within the scope of the terms of an HPV Contract to Supply to HPV or Mandated health service providers will be resolved via the dispute resolution mechanisms contained within Terms and Conditions of the same.

Complaints that concern HPV's conduct as defined within the purpose of this Procedure will be investigated by the HPV probity (or other) auditor. Complaints shall be assessed based on severity and the Chief Executive will determine whether the complaint is to be investigated internally or externally. HPV's probity (or other) auditor shall be an independent person (or organisation) with expertise in complaint investigation.

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Complaints that concern a Mandated health service provider utilising HPV Contracts will be investigated by HPV or an auditor appointed by HPV. HPV employees (or an auditor appointed by HPV) investigating a Complaint must be independent to the satisfaction of the Chief Executive (or delegate).

Delegation

The Chief Executive may delegate complaint investigation activities to the Director Finance, Risk and Governance. (DFRG). The DFRG may utilise external resources for investigation of a complaint.

If the complaint relates to the Directorate of the DFRG, then the Chief Executive will manage the investigation.

Complaints Register

The Chief Executive (or delegate) shall maintain a Complaints Register. A Complaints Report shall be presented to the Board at least twice a year. The Complaints report will provide information to the Board about each complaint, the investigations, the outcomes and corrective actions.

Process

1. Initial contact with HPV

In the first instance, Complainants should be encouraged to resolve their complaint through the relevant HPV officer immediately responsible for the management of the issue about which the complaint is made.

Some complaints originate as a telephone call and these can sometimes be resolved easily, with more information being provided to improve the complainant's understanding of processes. In such cases, direct contact is the most effective and appropriate response.

2. Formalise Complaint

If, after initial contact, the Complainant still wishes to pursue the matter, they should be advised by the relevant HPV officer that in order to formalise the complaint it is required that they address their concerns in writing (by letter or email) to the HPV Chief Executive. Assistance with information regarding relevant contact details should be offered. The complaint must be signed and dated by the Complainant before it can be formally acknowledged and addressed by HPV.

3. Registering and Acknowledging Complaints

As soon as a formal (written) complaint is received:

- It must be recorded by HPV's Legal Counsel, also referred to within as the Investigator.
- Acknowledgment in writing of receipt of the complaint must be made by HPV's Legal Counsel within five business days.
- In acknowledgement, the process of the complaints procedure, including expected timeframes, and what might be requested from the Complainant by way of substantiation and/or documentary support should be identified, or other on-referral steps necessary.

4. Initial assessment

The Investigator is required to assess the merit of the complaint and may, if he/she determines the complaint lacks prima facie substance or is otherwise vexatious, or is misplaced, dismiss the complaint by recording reasons for that decision in the Complaints Register. The Complainant is to be formally advised of this decision.

In the event the Investigator determines that the complaint has substance and should be accepted the Complainant is to be advised of this decision and that the matter will be addressed by steps appropriate to

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the circumstances and described hereunder. This may include a request for further information or evidence from the complainant to facilitate the Investigator's assessment.

The purpose of the initial assessment is to:

- Classify the complaint appropriately to determine appropriate action;
- Ensure the process is commensurate to the seriousness of the complaint and the issues raised; and
- Ensure fairness to any officers concerned.

The Investigator's assessment and communication of a decision to either dismiss or accept the complaint is to be undertaken within fourteen business days after receipt of the formal written complaint.

5. Formal Assessment

The relevant Investigator has direct responsibility for establishing, to best capacity, the facts and issues surrounding the complaint, properly exercising preliminary adjudication of the issues raised in the complaint, and then finally assessing what, if any, action may be available to HPV to resolve those issues. These matters will be contained in a confidential record created by the Investigator of both the steps undertaken and the judgements applied.

In so doing it may be necessary to take advice, including probity and legal, in order to establish the most suitable outcome.

The record will be kept as an attachment within the Complaints Register entry and, should the complaint relate to a matter connected with an HPV tender or HPV process related to a tender, the tender file will contain a note to that effect, but without detail of the complaint.

Full co-operation shall be afforded by HPV staff in the investigation process, which shall be regarded 'in confidence' and not with a view to the instituting of disciplinary steps as a possible corollary to this Procedure.

It is the responsibility of the Investigator to ensure that the Complainant is informed of the status of the investigation, but within the bounds of the confidential nature of that investigation.

6. Procurement Complaints Management

A procurement complaint is an issue or concern expressed by a supplier in relation to the process or probity applied by a mandated health service when carrying out a procurement activity. The complaint should be a letter, email or fax lodged with a mandated health service's Chief Procurement Officer.

A Complainant can refer a complaint to the HPV Board (or delegate) for review if not satisfied with the findings and actions of the mandated health service involved. This could be related to the management of the complaint or the application of the Health Purchasing Policies.

If the complaint is in reference to a mandated health service the following material must be provided to be assessed by HPV:

- Evidence that the mandated health service did not correctly apply Health Purchasing Policies in relation to a procurement activity;
- Evidence that the mandated health service's complaints management procedures were not applied correctly;
- A copy of all relevant correspondence between the complainant and the mandated health service in relation to the nature of the complaint; and
- Any additional material requested by the HPV Board to assist it in its findings.

In response the HPV Board (or delegate):

- Will inform the mandated health service and complainant of its findings and any further action it intends to take in relation to the matter;

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- Can require the Chief Executive to audit the mandated health service's 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; and
- May note the outcome of a review in relation to any complaint in its annual report to Parliament.

7. Corrective Actions

Complaint investigations should produce recommended corrective actions, which the Chief Executive may or may not accept. Corrective actions should reduce the likelihood of a complaint reoccurrence.

The Chief Executive (or delegate) should ensure that corrective actions are acted upon with appropriate urgency. If the Chief Executive does not act upon the recommended corrective actions, an explanation stating the reasons why remedial action has not taken place must be put to the Board and the Board must satisfy itself with respect to the Chief Executive's explanation.

Corrective actions associated with a complaint shall be included in the Complaints Register and will be presented to the Board on a quarterly basis.

8. Report

The DFRG shall provide reports on the status of complaints to the Chief Executive on a quarterly basis.

The Chief Executive shall advise the Board Chair about materially relevant complaints.

The Chief Executive (or delegate) must inform the Board and will inform the Complainant about investigation outcomes.

The Chief Executive (or delegate) shall report all material complaint statistics in the published HPV annual report. Complaints published in the annual report shall be de-identified.

The report may include recommended actions for consideration. The report will be considered by the Chief Executive as a matter of priority, but may be returned to the Investigator for further review and report.

9. Communication to Complainant

The Chief Executive (or delegate) shall, in the event the Investigator's recommendations are accepted, or as those may be varied, forward a written formal notification to the Complainant indicating HPV's final response to the complaint having been determined as follows:

- the complaint does not apply to HPV (through error, misunderstanding or incapacity of HPV to resolve due to overriding obligations otherwise prescribed or applied under law); or
- the complaint is justified (with details of any reconsideration to take place in relation to an earlier decision, or other action which may constitute an apology or retraction of statement or going to an intended review of procedure or process); or
- the complaint is dismissed (accompanied by details of reasons, including an absence or insufficiency of supporting information, or other lack of credibility going to fundamental substance or assessed motivation for making the complaint).

Based on the assessed merit of the complaint this final communication may contain, although there is no obligation to do so, other information which will assist the Complainant in taking the complaint to other jurisdictions, including the Ombudsman.

In all cases the Complaints Register will contain records of all communications made between the Complainant and HPV and the final response from HPV to the Complainant, that record being held in confidence. HPV's Legal Counsel will be responsible for ensuring the Complaints Register is completed for each formal complaint. Should an issue about compliance arise in relation to this Procedure, HPV's Legal Counsel will be requested to advise on resolution.

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10. Complaint Outcomes

If a Complainant is not satisfied with the outcome of a complaint investigation undertaken by HPV management, they may advise the HPV Board Chair and request a review of the complaint findings. Upon receipt of such a request, the Board Chair must initiate an independent investigation into the complaint, the scope of which is at the discretion of the Board Chair, and advise the Board of the outcomes.

Lodgement

Chief Executive

Health Purchasing Victoria

Level 34, 2 Lonsdale Street

Melbourne Victoria 3000

References

- *Health Complaints Act 2016*

Related Documents

- POL400 Procurement Policy
- PRO110.3 Fraud and Corruption Procedure
- HPV Complaints Register
- POL501 HPV Health Purchasing Policy 1 Procurement Governance